ONTARIO PARKS

O'Donnell Point

Supplement to the Final Environmental Study Report for O'Donnell Point

Ontario

The Ministry of Natural Resources
(MNR Parry SoundDistrict and Ontario Parks Central Zone)
March 2007

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APPROVAL STATEMENT

We are pleased to provide this Supplement to the Final Environmental Study Report for O'Donnell Point.

O'Donnell Point Provincial Nature Reserve (OPPNR) is an 875 ha nature reserve class park, located on a peninsula along the eastern shoreline of Georgian Bay, 50 km south of Parry Sound and 27 km north of Port Severn. The Park was regulated under the Provincial Parks Act in 1985 (O. Reg. 81/85 Schedule 176, Appendix B).

As a supplement to the Final Environmental Study Report (2003), it also contributes to the requirements set out in Ontario Parks' policy for the Preparation of Implementation Plans (PM 11.03.01).

We would like to thank everyone who took the time to participate in the review process.

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May 7. 07
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1.0 Introduction

The Ministry of Natural Resources (MNR) wishes to respond to a request from Moose Deer Point First Nation (MDPFN) for disposition of Crown and provincial park lands at O'Donnell Point. In 2001, park management planning and land disposition processes were initiated which would enable the request to be examined in further detail and provide public consultation opportunities.

In 2003, a *Final Environmental Study Report – Moose Deer Point First Nation* (Final ESR) (French Planning Services Inc.2003) was prepared by a team of consultants led by French Planning Services Inc. for MDPFN. Following the completion of that document, MNR prepared the *Supplement to the Final Environmental Study Report for O'Donnell Point* to provide updated and additional information. This document adds to the *Final ESR* by including analysis and evaluation of more resource data related to the park management planning and the land disposition process, an additional alternative identified by MNR, MNR's responses to comments received during the *Preliminary ESR – Moose Deer Point First Nation* (French Planning Services Inc. 2002), the proposed preferred alternative, and a summary of results achieved.

The section on project history (section 2.0) documents information from the past that is relevant to the project. A summary is provided on the history of the request for disposition, key activities completed in the planning process, previous studies and reports on O'Donnell Point, and relevant concerns raised during public consultation. The section on project alternatives (section 3.0) summarizes three alternatives considered in response to the request for disposition. The three alternatives were determined based on comments in the *Final ESR*. The subsequent section (section 4.0) adds further details to the environmental analysis, included in the *Final ESR*. The next section evaluates three alternatives and identifies a preferred one (section 5.0). The implementation and monitoring section (section 6.0) provides further information and updates since the release of the *Final* ESR. The final section (section 7.0) contains details regarding successes achieved throughout the course of this planning process.

This report is consistent with MNR's coverage under the *Environmental Assessment Act* as set out in *Exemption Order MNR-59/2*, *Exemption Order MNR-26/7* and the transition provisions of the *Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects (Class EA)* as they apply to processes begun under *Exemption Order MNR 26/7*. This report is also intended to fulfil part of the public consultation requirements for amendments to MNR land use direction. As a supplement to the *Final ESR*, it also contributes to the requirements set out in Ontario Parks' policy for the Preparation of Implementation Plans (PM 11.03.01).

2.0 Project History

2.1 History of Moose Deer Point First Nation's Request for Disposition

In 1966, MDPFN submitted a request to the Department of Lands and Forests, which has since become the MNR, to acquire Crown land adjacent to MDPFN. The Minister of the Department of Lands and Forests indicated that his department would consider withdrawing a block of Crown land of approximately 150 ha (375 acres) in order to connect three parcels of MDPFN. However, after discussions between the Department of Lands and Forests, MDPFN, and Indian Affairs Canada in 1968, a decision was made that no lands would be allocated.

In 1992, the MDPFN submitted to MNR a discussion paper and map outlining their request for lands to be purchased. This request extended well beyond the area previously considered and covered approximately 1,600 ha (4,000 acres). MNR requested MDPFN provide additional information outlining the community's needs for such lands. Based on MDPFN's additional information, the MNR suggested a smaller area for consideration that could potentially be added to MDPFN's land base. MNR's suggestion included lands within the regulated O'Donnell Point Provincial Nature Reserve, which was regulated in 1985. It encompassed approximately 190 ha (470 acres) and was similar to the area discussed during the 1960's. The request was supported by the Ontario Native Affairs Secretariat (ONAS) and MNR's senior level, but was not carried further.

MDPFN purchased 160 hectares (almost 400 acres) of private land in 1993 that joined two sections of the First Nation Reserve. This is currently subject to a separate addition to reserve process.

In 1994, the Chief of MDPFN wrote to Ontario's Minister of Natural Resources to inquire about the government's recommendations regarding MDPFN's request for disposition, however, no movement resulted.

Efforts were made by MDPFN to re-establish dialogue with MNR on this issue in 1997. MNR requested MDPFN forward their proposal to Indian and Northern Affairs Canada (INAC) in order to obtain some indication of the federal government's position on the request for disposition prior to moving to the next step. Under INAC's Additions to Reserve (ATR) policy, MDPFN's 1998 ATR request for 1,666 ha of land met more than one criterion (i.e. normal community growth addition and geographic addition), and was therefore supported by INAC. In addition, their request met INAC's strategic outcomes and mandate.

Once support for the proposal was received by INAC, MNR indicated that it would be prepared to meet with MDPFN to have exploratory discussions regarding their request. A coordinator from ONAS was asked to facilitate the meetings, and a manager from INAC also participated in the discussions. A necessary preliminary step was to have a life science report completed. The Parkin Urban Design completed a document entitled *Moose Deer Point Life Science Inventory* (Parkin Urban Design 2000). The area of undertaking included the western portion of the provincial nature reserve, MDPFN and an area of Crown land to the east (approximately lots 45 to 57 in concessions 7, 8 and 9 where applicable).

In the summer of 2000, MDPFN produced an *Additions to Reserve Proposal* (2000), which included a request for a large area of land (1,300 ha or 3,300 acres) that encompassed most of the provincial nature reserve as well as a large amount of other Crown land in the area (Figure 1). MNR found this request unacceptable. After further discussions, MDPFN suggested a smaller area of land totalling approximately 375 ha (920 acres) for further consideration (Figure 2).

As exploratory discussions continued, MDPFN submitted a request for disposition of Crown and provincial park lands in 2001 that MNR found acceptable for further consideration (Figure 3). The request encompassed approximately 440 ha (1085 acres) in total, which included 280 ha (690 acres) of Crown land and 160 ha (395 acres) of provincial park land. With this particular option as the basis for further discussion and public consultation, the park management planning and land disposition process began in fall 2001. The different segments of land contained within the requested disposition, as outlined in Figure 3, were each presented for comments through the *Background Information Issues and Options*. As well, all of these segments combined as one alternative (i.e. The Proposal) were assessed in the environmental study report. The second alternative assessed in the environmental study report was a "do nothing" alternative called Status Quo (i.e. Alternative 1).

Other inventory work and reports have been completed during this process, and many relevant and helpful comments have been submitted during the four public consultation periods conducted since 2001 (i.e. *Terms of Reference, Background Information Issues and Options, Preliminary Environmental Study Report,* and *Preliminary Park Management Plan*). Since the completion of the *Final ESR*, MNR has identified and evaluated an area of land containing similar natural values to those found in O'Donnell Point Provincial Nature Reserve. This area of land is being proposed as an addition to O'Donnell Point Provincial Nature Reserve, which addresses the concept of no net loss of regulated provincial park land (Figure 4). Further discussions regarding the proposed boundaries resulted in re-adjustments and the development of a new proposed alternative.

Another alternative (Figure 5) was presented in the draft of this document for the first time. It encompassed approximately 260 ha (640 acres) in total, and included approximately 100 ha (247 acres) of Crown land and 160 ha (395 acres) of provincial park land. The Crown land area previously requested in Alternative 2 (i.e. The Proposal) has been reduced by approximately 180 ha. The reduction in area requested for disposition addresses the need to identify land containing similar natural values to those found in O'Donnell Point Provincial Nature Reserve to set aside as regulated protected area (i.e. in order to ensure no net loss of protected area). Approximately 180 ha (445 acres) of Crown land has been identified as a suitable addition to O'Donnell Point Provincial Nature Reserve. Further consultations with a variety of third parties were conducted during 2002 and 2003. The results of those consultations have led to slight modifications of the boundaries in order to address third party concerns. Further adjustments in 2005 were made the preferred alternative based on public consultation during the draft of this report. Greater details are outlined in Section 5.0.

It should be noted that the requests for disposition of lands as outlined in Alternatives 1, 2 and 3 do not include the shore road allowance (i.e. 20 m or 66 feet) along Twelve Mile Bay. As well, no private lands were included in any of the areas of land under discussion.

Figure 1. Land Request from Moose Deer Point First Nation's "Addition to Reserve Proposal" in 2000

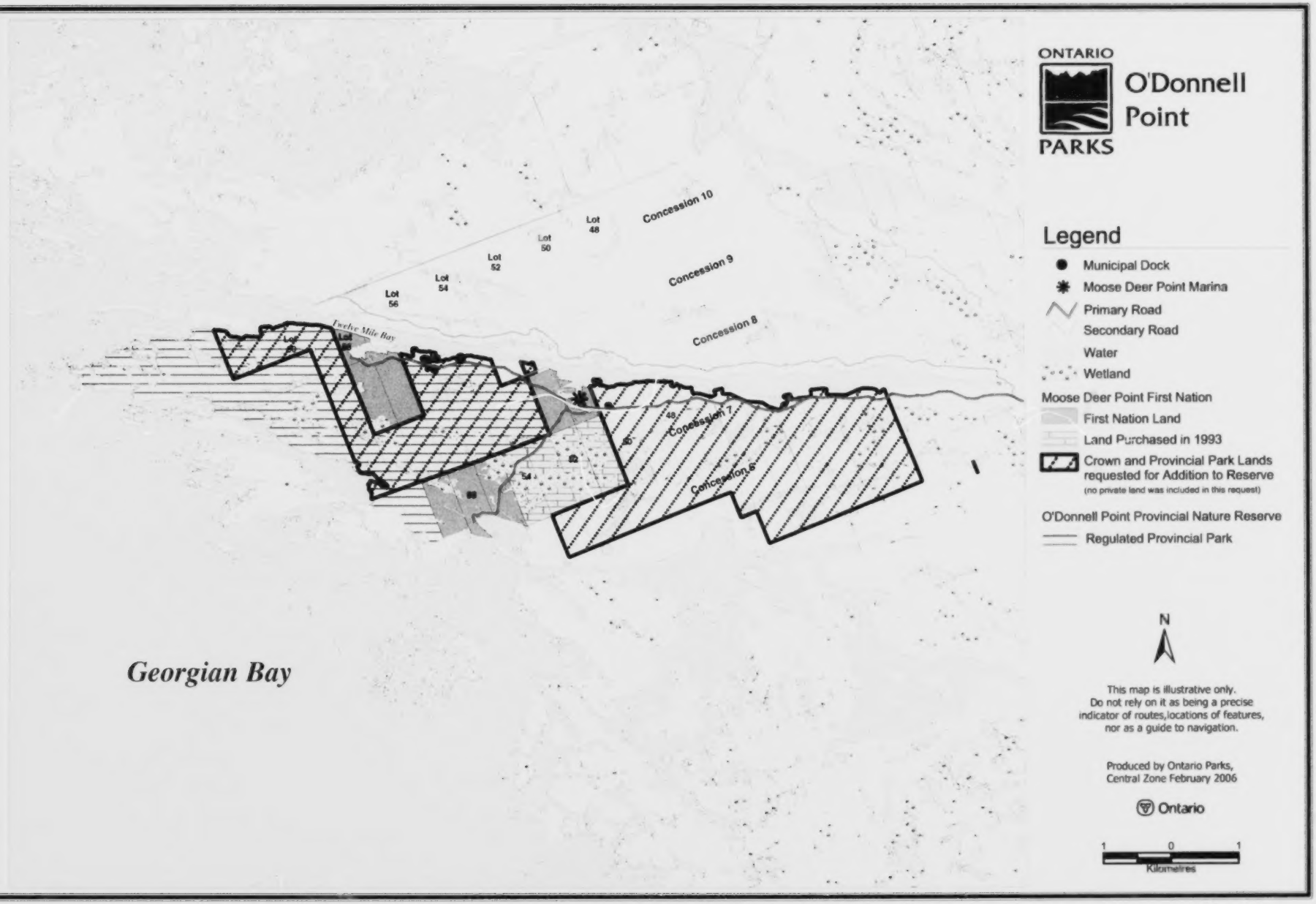


Figure 2. Land Request Reviewed in 2000 based on Discussions after the "Addition to Reserve Proposal"

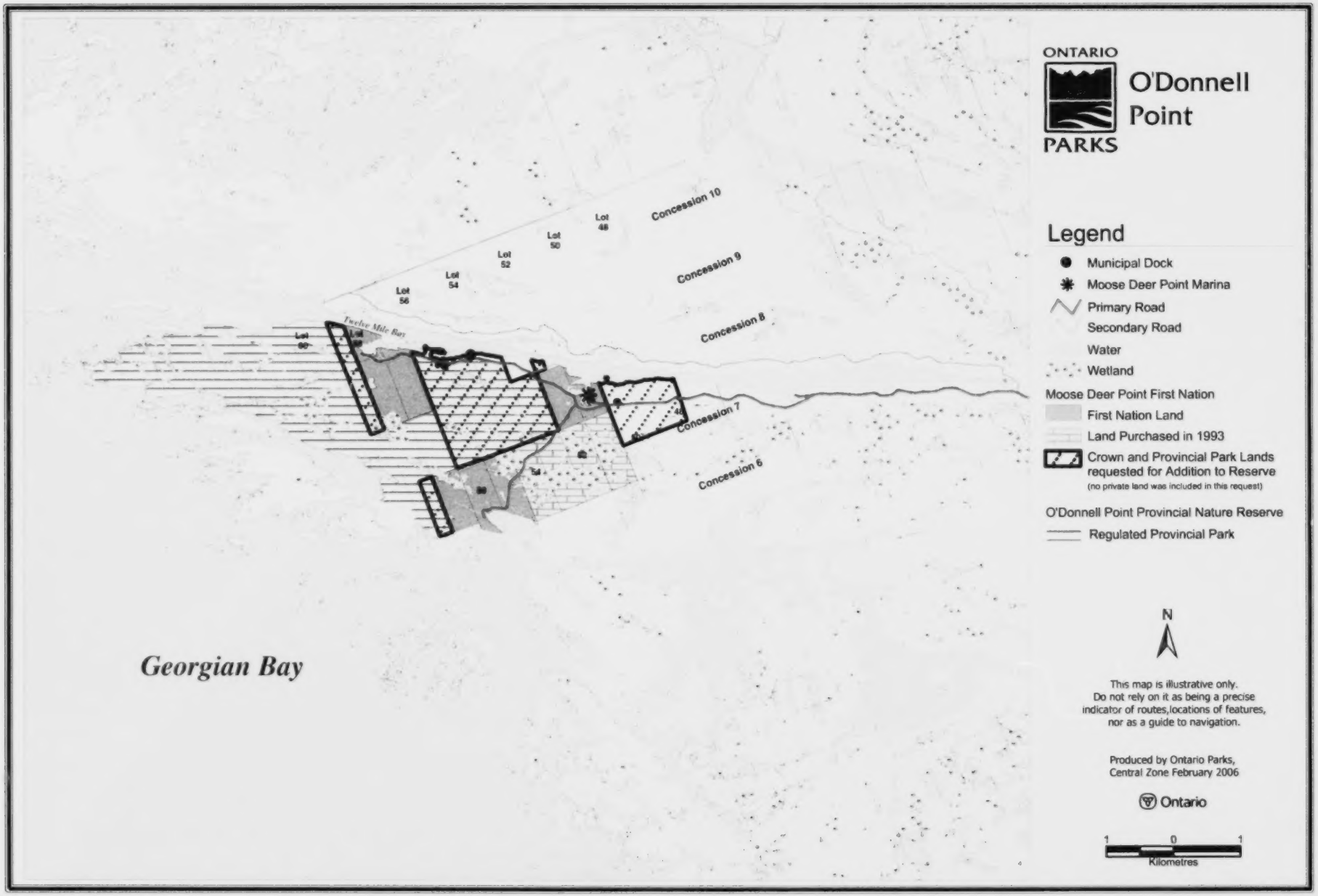


Figure 3. Land Request Reviewed, as part of the Final ESR (i.e. The Proposal) (Alternative 2)

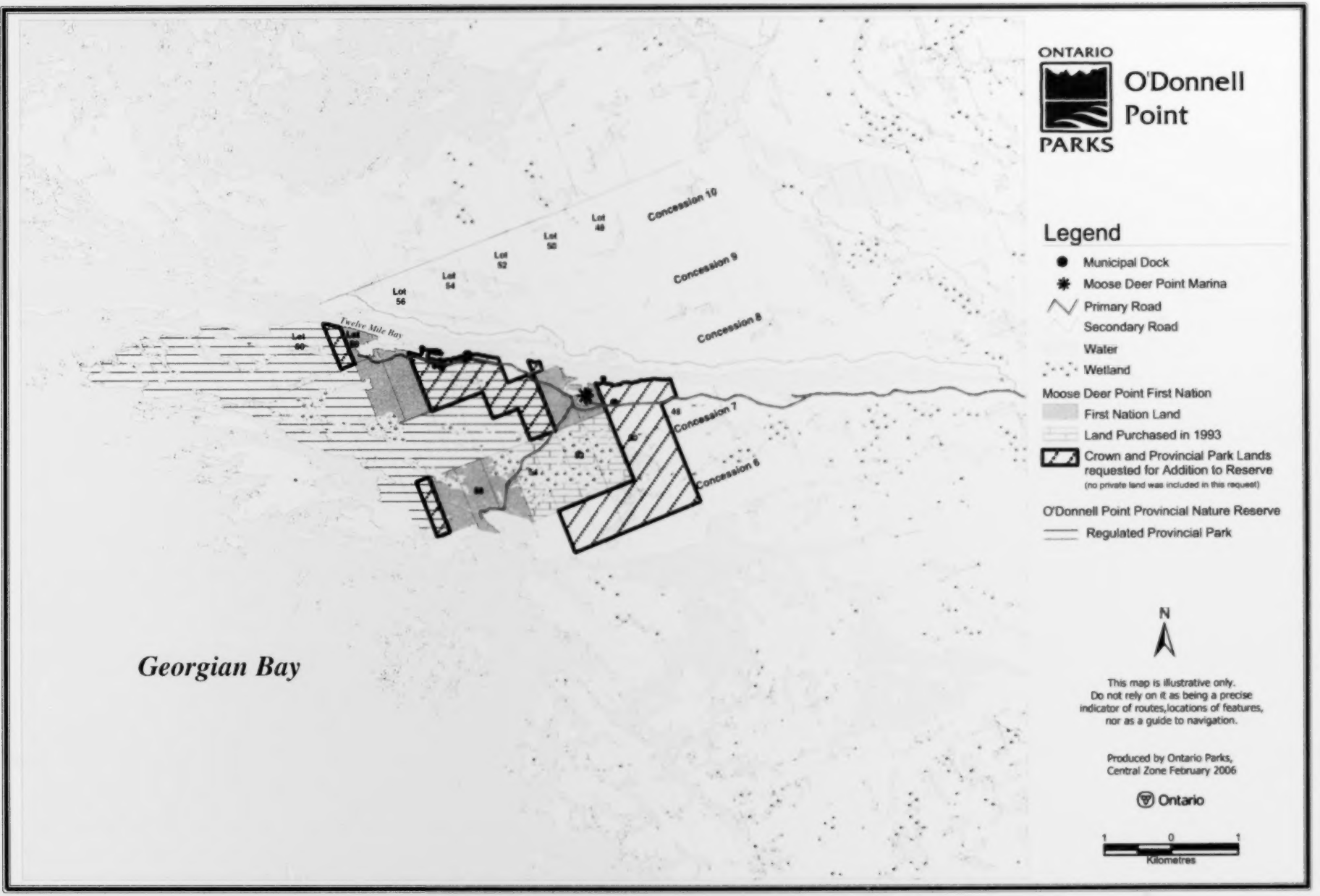


Figure 4. Land under Interim Discussion in 2003

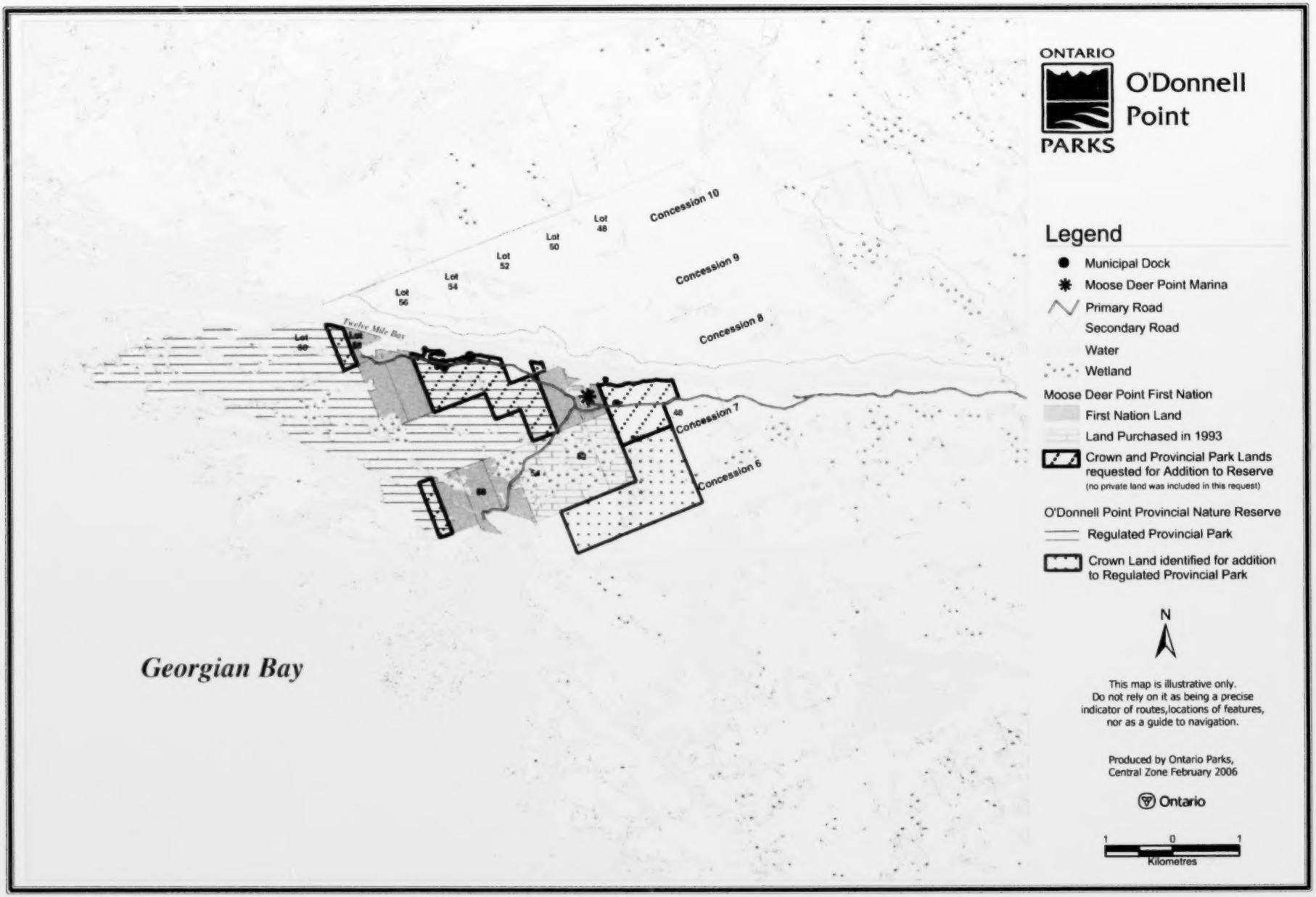
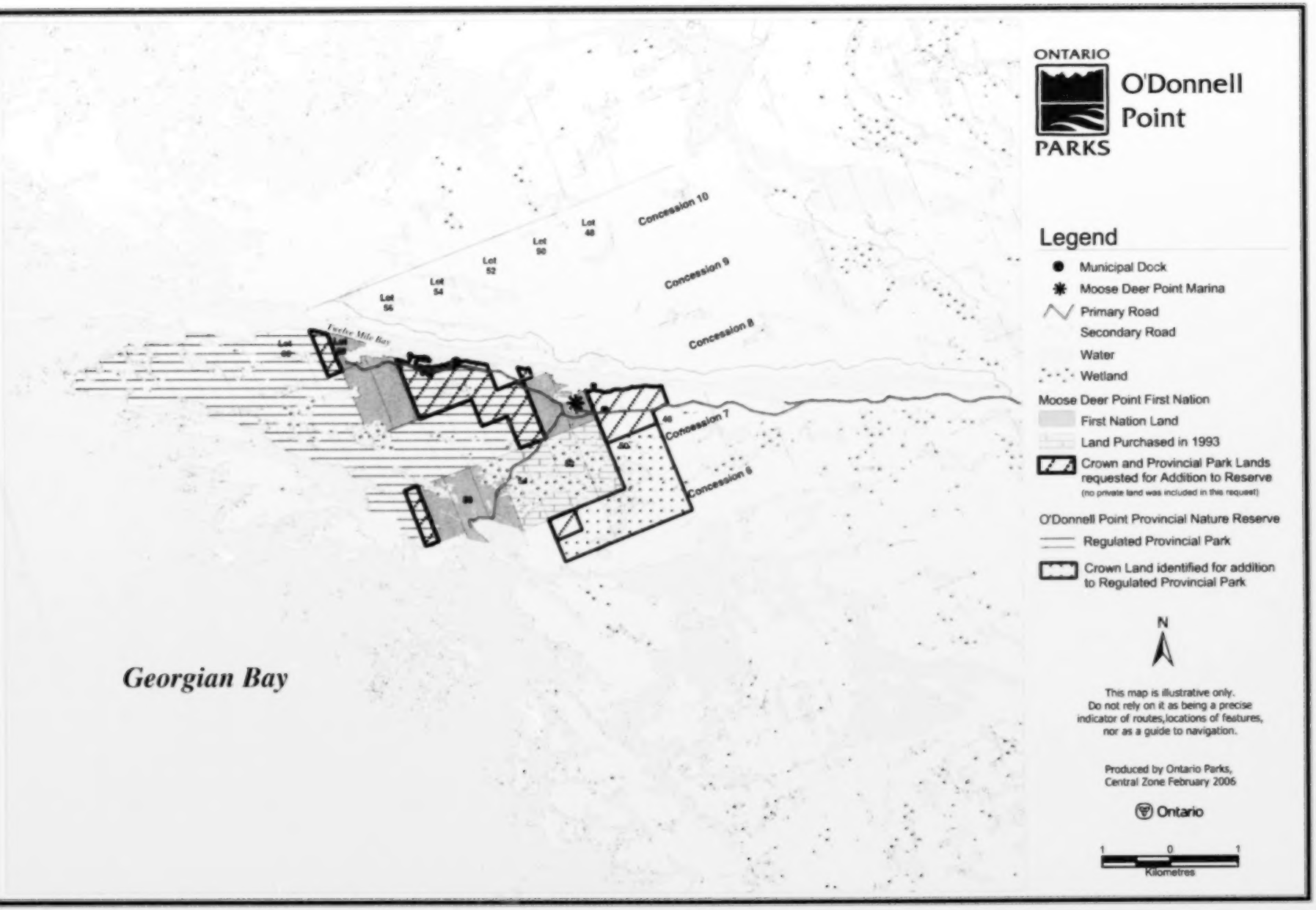


Figure 5. Land Request under Discussion in 2003



2.2 Key Dates

Completion of key reports, consultation with the public, and other activities related to the park management planning and land disposition process for O'Donnell Point are outlined below. Please note that due to address changes, the total of individuals and groups on O'Donnell Point mailing list has fluctuated over time.

- *December 1999 – Sustainable Community Plan: Phase One Report* completed by Parkin Urban Design and the Landscape Research Group from the University of Guelph for MDPFN
- *March 2000 – Moose Deer Point Life Science Inventory* completed by Robert Boraks of the Parkin Urban Design.
- *July 2000* – Submission of *Moose Deer Point First Nation – Addition to Reserve Proposal* (Moose Deer Point First Nation 2000) (Figure 1).
- *March 2001 – A Reconnaissance Life Science Inventory of O'Donnell Point Provincial Nature Reserve* (Korol 2001) completed by Ontario Parks.
- *August 30, 2001* – Senior level support given for MNR to commence a park management planning and land disposition process to examine the request for disposition in further detail, including public consultation.
- *August 31, 2001* – Information session held with identified key stakeholder groups (including Georgian Bay Association and affiliates) at Moose Deer Point in advance of the start of the park management planning and land disposition process.
- *September 24, 2001 – Terms of Reference* document and invitation to participate mailed out to a total of 206 individuals and organizations. This included 136 names and organizations and 70 MDPFN households (please note that 70 MDPFN households are included as part of the total number of individuals and organizations on the O'Donnell Point mailing list for all remaining reported mailing list numbers). This mailing list was established using standard guidelines as set out in the *Provincial Park Management Planning Manual*. Names of local/adjacent residences were provided by respective municipalities. Project posted on Environmental Bill of Rights (EBR) Registry (45-day comment period).
- *October 4, 2001* – At the request of the Georgian Bay Association and affiliates, a meeting was held in Toronto.
- *October 24, 2001 – Terms of Reference* comment period extended to November 28, 2001 (65 days). EBR Registry updated. A total of 85 correspondences received for this stage.
- *December 14, 2001 – Background Information, Issues and Options* document mailed out to a total of 408 individuals and organizations. Comment period (60 days) until March 1, 2002.
- *January 11, 2002* – Meeting with the Federation of Ontario Naturalists, Wildlands League, World Wildlife Fund (WWF) and Earthroots at the WWF office in Toronto.
- *January 12, 2002* – Open house held at the Ramada Hotel and Convention Centre, Toronto, at 401 and 404 (approximately 400 individuals attended).
- *January 19, 2002* – Open house held at Moose Deer Point Community Centre (approximately 70 individuals attended).
- *January 28, 2002* – Clarification letter mailed out to a total of 495 individuals and organizations. EBR Registry updated. Comment period extended until March 18, 2002 for a total of 73 days. A total of approximately 220 correspondences received for this stage.
- *May 15, 2002* – Meeting held in Midhurst with Georgian Bay Association and Ontario Parks to view satellite imagery of the area.

- *July 6, 2002* – Update letter mailed out to a total of 485 individuals and organizations to indicate an environmental study report (ESR) is being conducted and to revise the anticipated date for the release of the *Preliminary Park Management Plan*. The notification was posted in the EBR Registry for 30 days
- *Summer 2002* – Field visits to Crown and provincial park lands requested for disposition. Results summarised in *O'Donnell Point Field Visit Report* (Korol 2002) and *Botanical Survey Moose Deer Point* (Blythe 2002).
- *November 2002* – Initial meeting held to discuss the potential creation of an O'Donnell Point Notification Protocol. Generally, the protocol would identify types of activities for which each party would agree to provide notification. While many of the parties provide notification already as part of their planning operations, MDPFN would need to develop a new administrative procedure. Establishment of a notification protocol for the O'Donnell Point area would offer an opportunity to improve communications and share information among different governments regarding land use decisions and other activities that may have an impact on the environmental sustainability of the O'Donnell Point ecosystem.
- *November 20, 2002* – ESR information letter mailed out by Ontario Parks to a total of 512 individuals and organizations. This letter informed the public when the ESR will be available for public review and provided instructions on how to obtain a copy for review. The ESR was not an MNR document.
- *November 28, 2002 – Preliminary ESR* available for public review (60-day comment period). EBR Registry posting updated. Comment period until January 27, 2003. Written comments were submitted to the consultants.
- *February 28, 2003* – MDPFN hosted an inaugural meeting with potential parties to discuss the creation of an O'Donnell Point Ecosystem Protection Group. The intent was to develop a group who would work collaboratively in a spirit of mutual trust to oversee that long-term conservation and protection of important natural areas, especially the wetlands and shoreline of the ecosystem.
- *March 20, 2003 – Final ESR* completed by consultants. Public comments were incorporated and a summary of issues raised through public consultation was included in Section 8.5 of the *Final ESR*.
- *April 17, 2003* – The Chief of MDPFN invited 11 private land owners along Twelve Mile Bay Road west of Gordon Bay who would be encompassed by First Nation land if the disposition is approved to meet to discuss concerns. Of the eleven, one responded and attended a meeting with the Chief to discuss concerns. As a result of the meeting, changes to the location of zone boundaries in the *MDPFN Land Use Plan* were changed to protect a water source identified by the individual.
- *April 18, 2003* – Information letter mailed out by Ontario Parks to a total of 534 individuals and organizations on the O'Donnell Point mailing list. The letter informed the public that the final ESR has been completed and provided instructions for how to obtain a copy for inspection.
- *June 2003 – Ecological assessment of potential boundary revisions to O'Donnell Point Provincial Nature Reserve* completed by Ontario Parks – Central Zone (Korol 2003).
- June 10, 2003 – Based on comments received during the comment period of the *Final ESR* and thereafter, discussions were held between the MNR and MDPFN to significantly realign the proposed boundaries (Figure 5). The change included a 180 ha area, previously proposed for disposition, being added to the nature reserve.
- *September 4, 2003* – MNR consults with land use permit holders west of municipal dock.
- *October 17, 2003* – MNR confirms removal of Crown land for land use permit holders from lands being requested for disposition.
- *December 2003* – MNR consults with Bell Canada and Hydro One regarding possibility of disposing lands to MDPFN.

- *Summer and Fall 2003* – Ongoing efforts to address third party concerns and progress towards the next step in the planning process. Further discussions relating to the proposed boundaries lead to the development of a third alternative (Figure 5), which was presented as the preferred alternative during the consultation of the draft of this report.
- *January 21, 2004* – At the request of the Ministry of the Environment, MNR meets to discuss the O'Donnell Point planning process.
- *February 12, 2004* – MDPFN community voted to approve the MDPFN Land Use Plan.
- *April 3, 2004* – Concluding meeting held for the O'Donnell Point Notification Protocol. In late 2002 and continuing throughout 2003, the parties involved in the O'Donnell Point Notification Protocol met regularly to create a document. Parties signing the O'Donnell Point Notification Protocol are MDPFN, The District Municipality of Muskoka, The Township of Georgian Bay, The Township of The Archipelago and MNR. INAC facilitated the discussions to create the document and INAC's participation is noted under Schedule B of the notification protocol.
- April 16, 2004 – First draft of O'Donnell Point Ecosystem Protection Group Terms of Reference reviewed by members in attendance. The document suggests having representatives from the following categories: 3 First Nation; 1 township; 3 cottagers associations/ landowners; 1 conservation group; 1 MNR/Ontario Parks; and 1 forestry company.
- *June 25, 2004* – Update letter mailed to a total of 541 individuals and organizations on the O'Donnell Point mailing list. This letter informed the public that the planning process was continuing and that an information package containing various documents will be available for public review and comments within the next twelve months.
- *Aug 30, 2004* – O' Donnell Point Notification Protocol ratified.
- *October 13, 2004* – The MDPFN Land Use Plan ratified by Chief and Council.
- *June 2005* - Another update was mailed to the OPPNR mailing list (463 individuals and organizations). The letter stated that the next phase would be initiated within the next few months, requested to contact recipients through e-mail, and suggested that paper copies would only be provided upon request.
- *October 14, 2005* – The *O'Donnell Point Preliminary Park Management Plan, Draft Supplement to the Final Environmental Study Report for O'Donnell Point,* public notice on the proposed disposition of Crown land, and Crown Land Use Policy Atlas proposed land use amendment were released for public review. The public consultation notification was sent to the OPPNR mailing list (453 individuals and organizations). An updated policy proposal file was posted on the EBR Registry for 60 days. Open houses held at Moose Deer Point and in Toronto on October 15 and 22 respectively, saw approximately 26 and 53 people attend. During this stage 47 submissions were received.
- *Winter 2005* – Evaluation of comments received and modifications of this report based on input received. Alternative 3 (Figure 8) was slightly modified to reflect change of a parcel 3 ha of shoreline for a 5 ha of land inland.
- *April 18, 2007* – The approved *O'Donnell Point Park Management Plan*, the final *Supplement to the Final Environmental Study Report for O'Donnell Point*, and Crown Land Use Policy Atlas decision land use amendment were released to the public. All those persons who directly contributed to the planning process received a copy of the final documents. Paper copies were available upon request. Individuals and groups on the OPPNR mailing list, which included the mandatory contacts at this stage (476 individuals and organizations), were sent a final notification. The final document was available electronically on Ontario Parks' website. A policy decision file was posted on the EBR Registry and the Crown Land Use Policy Atlas.

2.3 Summary of Public Concerns

The park management planning and land disposition process was initiated in fall 2001. Since that time, four public consultation periods have been conducted (i.e. for the *Terms of Reference, Background Information Issues and Options, Preliminary Environmental Study Report,* and *Preliminary Park Management Plan*). The *Final ESR* contained a description of public comments expressed during this planning process (see Appendix A).

Ten of the most commonly expressed concerns are briefly summarized below. These concerns, amongst others, led to ongoing development and revisions of alternatives. Section 5 details how these concerns were addressed.

1. **Provincial nature reserve**

   General consensus exists that the total area of the provincial nature reserve should not decrease (i.e. concept of no net loss of regulated protected area). Questions were raised as to whether the request for disposition would have a negative impact on the protection of natural values found in O'Donnell Point Provincial Nature Reserve.

2. **Impact on the environment**

   What are the social, economic and natural environmental impacts of the requested disposition? Some individuals expressed a desire for more studies to be completed.

3. **Development in general**

   Concerns of uncontrolled development at Moose Deer Point were expressed. As well, some individuals expressed concern that Twelve Mile Bay is already overdeveloped and no further development should occur, especially unregulated development. Reference was frequently made to the 2004 water quality monitoring report (Georgian Bay Association 2005).

4. **Development along shoreline**

   Strong feelings were expressed against development of the shoreline along Twelve Mile Bay. Some individuals expressed concern over potential impacts that development may have on their quality of life. Some support was expressed for disposition of interior Crown land so long as land along the shoreline was not included.

5. **Water quality**

   Linked to the concerns about future development, many submissions raised the issue of water quality in Twelve Mile Bay. Again, the water quality report (Georgian Bay Association 2005) was often mentioned.

6. **Boat traffic**

   Concerns have also been raised regarding the impacts a disposition would have on level of boat traffic, safety, and water pollution.

7. MDPFN *Land Use Plan*

Various comments were related to the MDPFN *Land Use Plan*. For example, environmental concerns were raised regarding a residential area zoned adjacent to a wetland along Ogemawahj Road. Some individuals questioned why lands requested for disposition that are zoned as protected area in the MDPFN *Land Use Plan* would not instead be protected as regulated provincial park land.

8. Regulation and Guarantees

Concerns were expressed that revisions to the MDPFN *Land Use Plan* could occur at any time. How will lands zoned for protection be guaranteed? What assurance is there that proposed actions are implemented and reasonably evaluated on an ongoing basis?

9. Enforcement

Concerns were expressed in regards to the enforcement of the MDPFN *Land Use Plan*. Respondents were concerned that there will be no control on density, quality or type of development. It was suggested that a legal enforcement mechanism be established.

10. Planning process

Some dissatisfaction has been expressed regarding the length of time given to review documents (i.e. insufficient), the stage at which the public became involved in the process (i.e. not early enough) and the alternatives of available land being considered (i.e. wish lands elsewhere to be considered). Some concerns suggested that public input received has not been adequately considered.

3.0 Project Alternatives

Following the completion of the *Final ESR*, which stated that "alternative lands should be identified for regulation so that the Proposal will not result in a reduction of regulated protected area within the Ontario Living Legacy planning area (thereby impacting the target of 12% protection)" (French Planning Services Inc. 2003), an additional alternative was identified. The *Final ESR* only contained two options, the Proposal and the Status Quo.

No shore road allowance fronting Crown land, shoreline provincial park land, or private lands were included in any of the alternatives below.

Alternative1 (Figure 6)

- Status Quo
- No disposition of Crown or provincial park lands.
- This was the second alternative assessed in the *Final ESR*.
- Development by MDPFN is expected to continue, but only on their current lands. The adoption of this alternative would require revisions to the protection and development zones outlined in the MDPFN *Land Use Plan*).

Alternative 2 (Figure 7)

- Three parcels of provincial nature reserve (approximately 160 ha) and three parcels of Crown land (approximately 280 ha) requested for disposition.
- Land around Bell utility building removed.
- Since 1998 when MNR indicated it was prepared to participate in exploratory discussions regarding MDPFN's request for disposition of lands, this was the first request submitted that MNR found acceptable for further consideration.
- Each component of land in this alternative was presented for public comments in *Background Information Issues and Options* document. All of these segments combined as one alternative (i.e. The Proposal) were assessed in the *Final ESR*.

Alternative 3 (Figure 8)

- Three parcels of provincial nature reserve (approximately 160 ha) and three parcels of Crown land (approximately 103 ha) requested for disposition. One parcel of Crown land (approximately 180 ha) proposed for addition to provincial nature reserve.
- Land around Bell utility building was not included.
- Specific area of land identified for addition to provincial nature reserve (an area of Crown land previously requested by MDPFN is now identified for regulated provincial park land). This revision addresses the concept of no net loss of regulated protected area.
- Consultations with a variety of third parties were conducted in 2002, 2003, and 2005. Modifications to reflect concerns raised included:
  - Crown land fronting three patent lots removed.
  - Crown land west of municipal dock for two Land Use Permit holders removed.
  - Slight revisions to boundaries (northern half of Lot 52 Con 6 requested by MDPFN for residential zoning, in exchange for a more northern boundary on Crown lands proposed for addition to provincial nature reserve in Lots 48 and 49 Con 7 – as a result the wetland areas in these lots can be fully incorporated into regulated protected area in exchange for upland forest).

- Change to this alternative resulting from public consultation input in 2005 during the *Preliminary Park Management Plan* and the draft of this report included replacing a 3 ha parcel of shoreline previously slated for disposition in lot 51 con 9 with a 5 ha inland parcel on the south side of Twelve Mile Bay Road in Lot 47 Con 7.

Figure 6. Potential Land Tenure at O'Donnell Point - Alternative 1 (Status Quo)

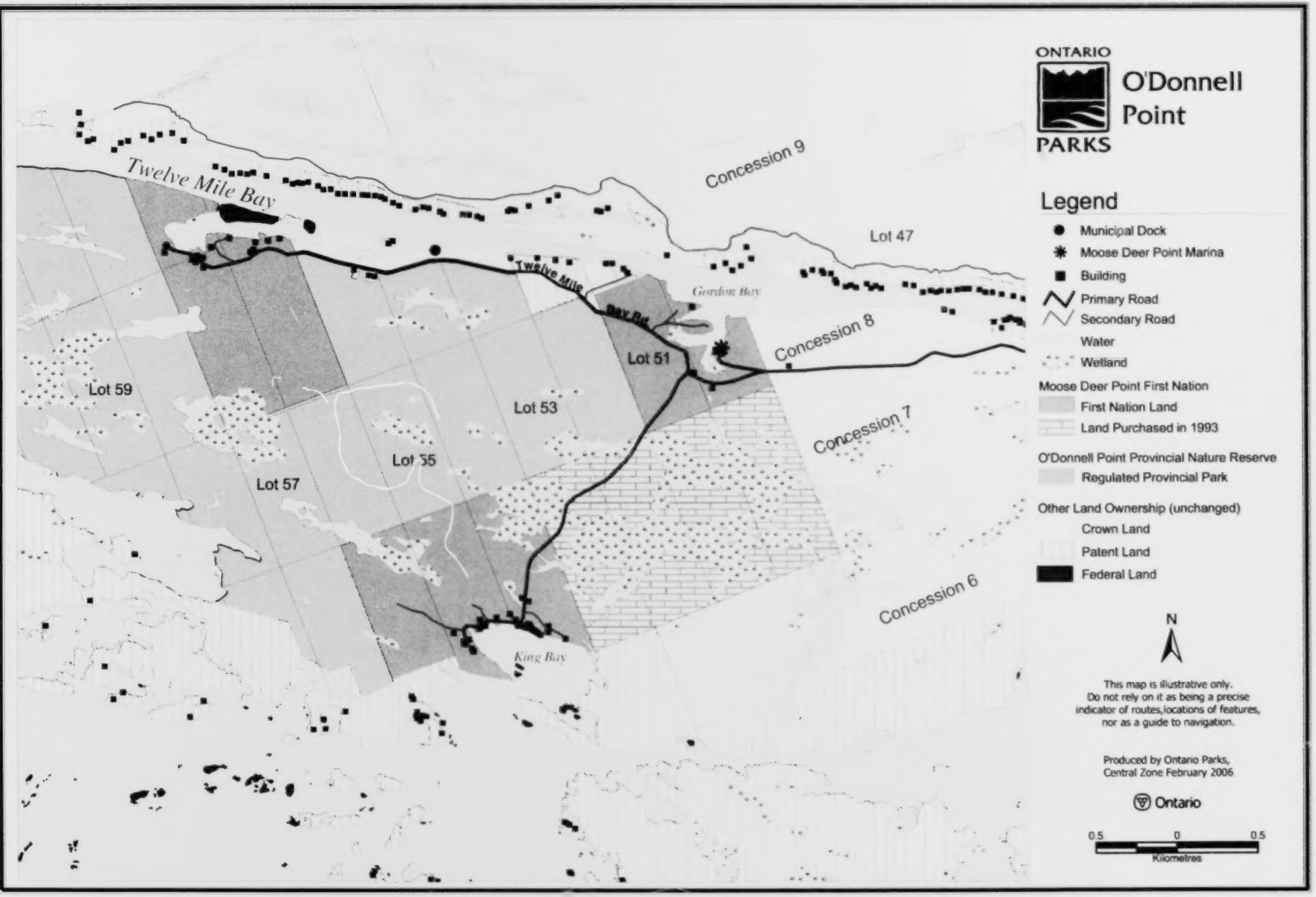


Figure 7. Potential Land Tenure at O'Donnell Point - Alternative 2 (i.e. The Proposal)

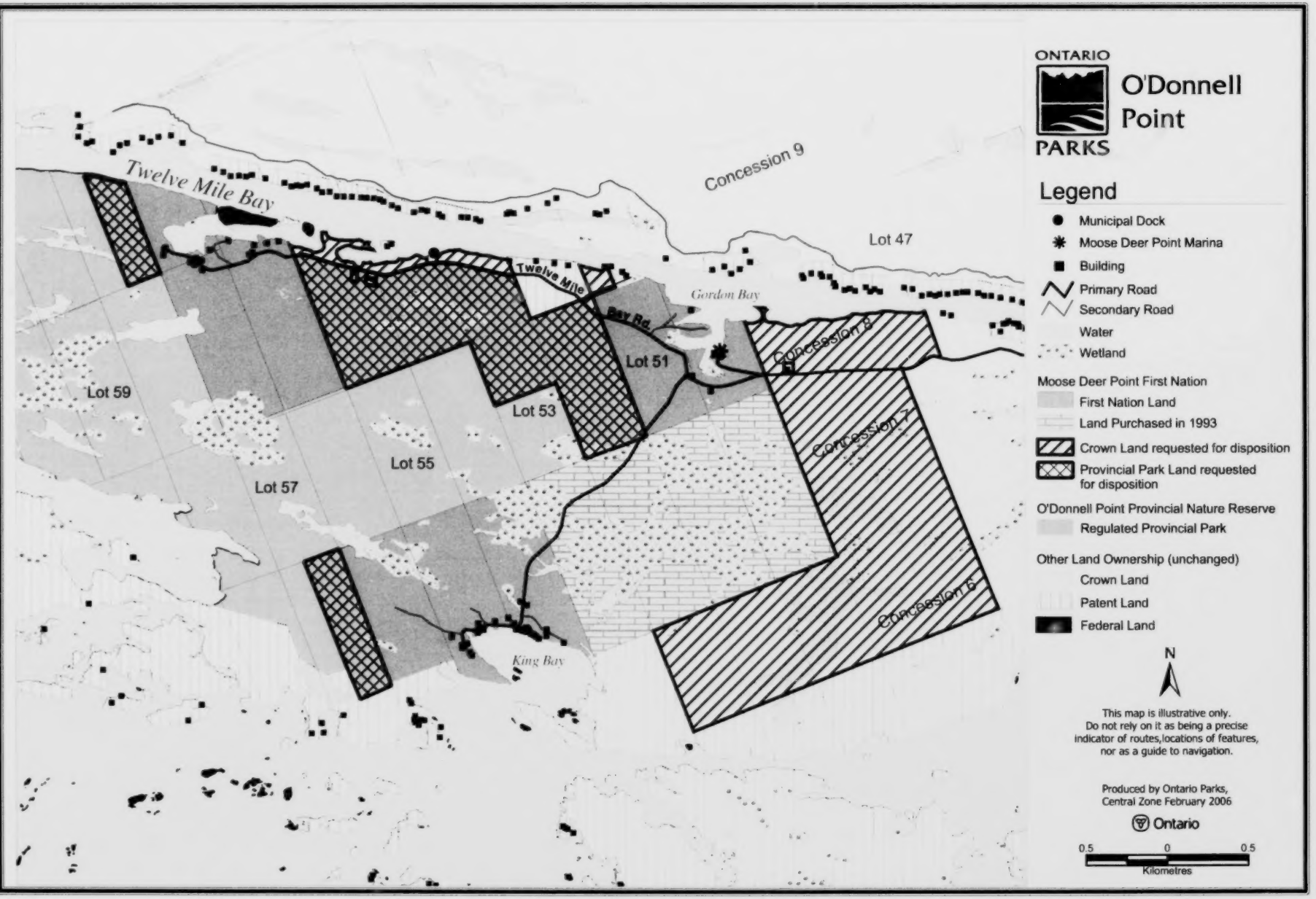
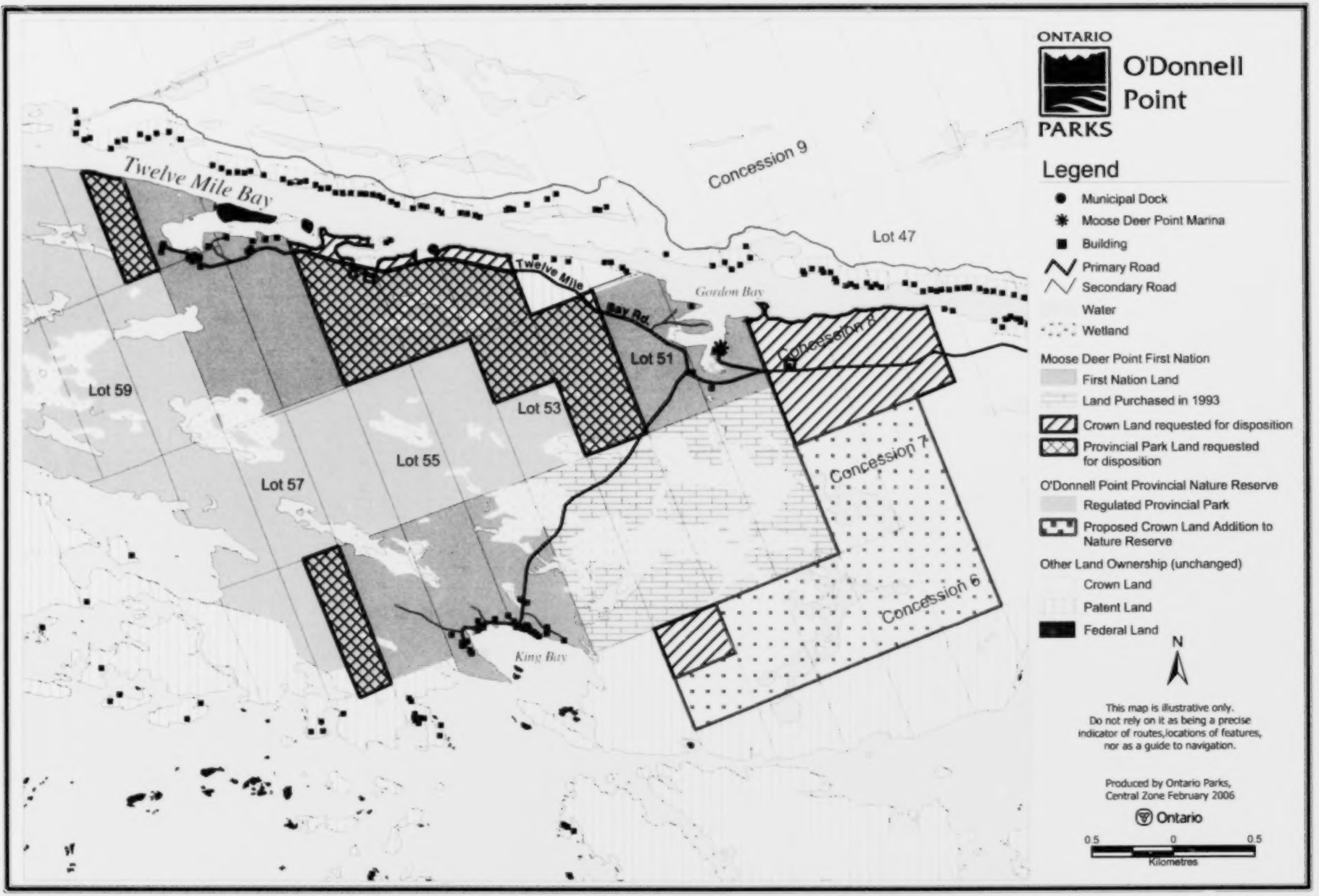


Figure 8. Potential Land Tenure at O'Donnell Point - Alternative 3 (preferred)



4.0 Environmental Analysis

4.1 Studies Completed

Some of the key studies completed for the O'Donnell Point area are summarized below. These and other reports have been taken into consideration during the analysis and decision-making regarding for the request for disposition of Crown and provincial park lands.

MNR Documents

An Ecological Assessment of a Proposed Boundary Revision at O'Donnell Point Provincial Nature Reserve – Ontario Parks Central Zone (Korol 2003)

After the completion of the *Final ESR*, Ontario Parks completed an additional ecological assessment. It focussed on four parcels of land which included three parcels of provincial park land requested for disposition (identified in Alternative 2) and a parcel of Crown land identified for potential addition to the provincial nature reserve (identified in Alternative 3). The report included an inventory of significant species and plant communities at O'Donnell Point (significant was defined as provincially rare, at risk, or Atlantic Coastal Plain). It also identified vascular plants found in the provincial nature reserve considered to be locally rare in Ecodistrict 5E-7. The majority of significant vascular plant species known from the study area are dependent on wetland, shoreline or moist habitats. The anticipated increase in area of these habitat types should enhance the protection of these species.

The ecological assessment also contained an inventory of vegetation classes, and a comparison of vegetation classes present on the three parcels of provincial park land requested for disposition to vegetation classes present on the parcel of Crown land identified for potential addition to the provincial nature reserve. If the proposed land tenure changes examined in this report were followed (i.e. the provincial nature reserve portion of Alternative 3), most of the vegetation classes would increase marginally. The most notable change would be the addition of approximately 70 hectares of middle-aged White Pine, countered by a decrease of middle-aged Red-Silver Maple (27 hectares) and old White Birch (24 hectares).

The report also addressed terrestrial vertebrate fauna, hydrology of the four parcels under consideration, landscape ecology considerations, and regional planning considerations. The significant reptile and amphibian species (also referred to as herpetofauna) found at O'Donnell Point require various combinations of wetland, lowland and upland habitats. Almost all of the significant herpetofauna found in O'Donnell Point Provincial Nature Reserve are wetland dependent for most of their life. Wetland areas are a critical natural value at O'Donnell Point. The parcel of Crown land identified for potential addition to the provincial nature reserve contains wetland habitat, and should provide a net benefit to the herpetofauna in the provincial nature reserve.

Development on lands between the existing provincial nature reserve and proposed Crown land addition was identified in the report as a potential threat. In response to this concern, MDPFN removed the proposed residential zone adjacent to Ogemawahj Road on Lot 52, 53 Con 7, and also created a 30m buffer around nearly all of the wetland areas found on MDPFN land.

The report concluded by outlining the predicted impacts on significant features. Overall, site specific field data indicate that some provincially significant species and plant communities did occur in nature reserve lands requested for disposition. However, similar habitat was found on the Crown land identified for potential addition to the provincial nature reserve, therefore, it is likely that these rarities also occur there. Appropriate wetland microhabitats for some of the rarest species of plants at O'Donnell Point were

not found in any of the lands under discussion for the land tenure change. The assessment report provided a summary table of predicted impacts on significant features (Table 1). A map showing the land (i.e. P1, P2, P3 and C4) mentioned in the table below was included in Appendix B.

TABLE 1. SUMMARY OF PREDICTED IMPACTS ON SIGNIFICANT FEATURES AT O'DONNELL POINT (Adapted from KOROL 2003)

No expected significant impact	
Common Name	**Comment**
Branched bartonia Southern Twayblade White-fringed Orchid Torrey's Club-rush Pursh's Bulrush Smith's Club-rush Two-formed Yellow-eyed-grass Common Map Turtle Eastern Hog-nosed Snake Graminoid Coastal Meadow Marsh Vegetation Type	suitable habitat does not appear to be present in P1, P2, P3 or C4
Flattened Wild Oat Grass Racemed Milkwort Lance-leaved Violet Common Five-lined Skink Eastern Foxsnake Eastern Milk Snake Northern Ribbon Snake	suitable habitat occurs in P1, P2, P3 and C4
Negative impact possible	
Common Name	**Comment**
Billing's Three-Seeded Sedge	known population in P1, but suitable habitat probably occurs in C4; occurs elsewhere in nature reserve
Virginia Chain Fern (individuals and community type)	known populations in P2 and P3; does not appear to be present in C4; occurs elsewhere in nature reserve
Eastern Massasauga	recently found in P1 and P3, but suitable habitat occurs in C4; no known denning sites in study area
Positive impact expected	
Common Name	**Comment**
Prickly Coontail Water Bog-rush Spoon-leaved Sundew Small Water-wort Capitate Spike-rush Seven-angled Pipewort Slender Fimbristylis Brown-fruited Rush Slender Water-milfoil Pickerel Weed Small-headed Beaked-rush Brown Beaked-rush Grass-leaved Arrowhead Swamp St. John's-wort Horned Bladderwort Purple Bladderwort Inverted Bladderwort Common Musk Turtle Spotted Turtle Blanding's Turtle	there appears to be more suitable habitat in C4 than in P1, P2 and P3

According to the ecological assessment, if the boundary revisions presented in Alternative 3 proceed, O'Donnell Point Provincial Nature Reserve would benefit from an increase in percentage of wetland habitat. This benefit may be counteracted by the subsequent fragmentation of the nature reserve, increased perimeter to area ratio, and increased threat of adjacent incompatible land uses. However, the assessment suggested that if the MDPFN privately owned land between the existing provincial nature reserve and the potential Crown land addition to the provincial nature reserve is managed for protection of its natural heritage values, as suggested in the *MDPFN Land use Plan*, the ecological significance of O'Donnell Point Provincial Nature Reserve may be increased.

The findings of this report build upon the knowledge base established through numerous life science inventories and assessments previously conducted at O'Donnell Point, which led to the analysis in Appendix C. The following is a list of these reports.

A Reconnaissance Life Science Inventory of O'Donnell Point Provincial Nature Reserve – Burke Korol (Ontario Parks) (2001) + additional findings from field work in summer 2002

A Preliminary Life Science Inventory of O'Donnell Point Candidate Nature Reserve – checksheet compiled by H. Simpson (1980)

O'Donnell Point Provincial Nature Reserve Background Report – Bill Ringham (1978)

O'Donnell Point Provincial Nature Reserve Background Information, Issues and Options – Ontario Parks (2001)

Significant Natural Area – Life Science Checksheet: O'Donnell Point Provincial Nature Reserve in "*Life Science Areas of Natural and Scientific Interest in Site District 5E-7*" – checksheet compiled by Daniel Brunton (1991)

Botanical Survey – MNR Parry Sound District (Blythe 2002)

The primary focus of the botanical survey prepared by Blythe & Associates was to determine the presence or absence of any rare, threatened or endangered species of plants in the Crown lands being proposed for disposition. No botanical species ranked as provincially significant were observed in the four study sites visited during the botanical survey. It was noted that certain species of rare plants had previously been reported in the general vicinity of the sites. Examples included Southern Twayblade (*Listera australis*), Branched Bartonia or Panicled Screwstem (*Bartonia paniculata*), Smith's Three-square (*Scirpus smithii*), Yellow-eyed Grass (*Xyris difformis*) and White Fringed Orchid (*Platanthera blephariglottis*). However, none of these species were observed, nor did any of the sites exhibit suitable habitats for any of these rare species, which are usually found in conifer swamps, bog or fen type wetlands. A total of 142 species of plants were observed at the most productive of the four sites. It was noted that more species would be recorded if standard three-season botanical surveys were conducted. However, the reported notes that given the existing soil and forest conditions it was unlikely that any other provincially or nationally rare species would be discovered.

Moose Deer Point First Nation Documents

Final Environmental Study Report – French Planning Services Inc., Amos Environment + Planning, and Gartner Lee Ltd. (French Planning Services Inc. *et al.* 2003)

MNR required that an ESR be prepared, in accordance with MNR directives, including a public consultation component, to review the potential positive and negative effects of disposing Crown and

provincial park land to MDPFN. This report was undertaken partly in response to requests from the public that an additional study be completed. It was completed as an additional step in the planning process.

The report outlined the study purpose and background, defined the study area, and summarized the two project alternatives being considered; namely the Status Quo (i.e. Alternative 1) and The Proposal (i.e. Alternative 2). An in-depth policy and environmental analysis was conducted, including social, terrestrial, aquatic and land use variables. Relevant policies and environmental variables were evaluated, and implementation details and mitigation, monitoring and information needs were assessed. Interested people and organizations had an opportunity to review the *Draft ESR* and submit comments. A total of 36 correspondences were submitted during a public consultation period. The concerns were incorporated into the *Final ESR* through a summary of issues found in Section 8.5.

One of the findings of the *Final ESR* was that the ecological values of O'Donnell Point Provincial Nature Reserve should not be adversely affected by the Proposal, if the proposed mitigation measures were applied. Proposed mitigation measures include the establishment of a Moose Deer Point development review process within the MDPFN *Land Use Plan*, and development of an ecosystem protection group and notification protocol. These mechanisms will identify how and when specific studies and additional review are required before any development proceeds. All land use mitigation measures outlined in the ESR should be implemented before development occurs and development should be monitored for compliance. See Appendix C for a complete summary of findings of this report.

Moose Deer Point Life Science Inventory – Moose Deer Point First Nation (Parkin Urban Design 2000)

Developed as a second stage of the "Sustainable Community Plan – Phase One Report", this document summarizes the inventory work conducted in the western portion of the provincial nature reserve, MDPFN and an area of Crown land to the east (approximately lots 45 to 57 in concessions 7, 8 and 9 where applicable). A total of 235 plant species were identified, and 83 species of birds were recorded. The Parkin Group documented the terrestrial and wetland systems in the study area, and concluded that in comparison to the terrestrial and wetland systems protected within Site District 5E-7 (now referred to as Ecodistrict 5E-7) it did not appear that any outstanding features within the study area were not also well represented elsewhere.

4.2 Summary of Analysis

O'Donnell Point Provincial Nature Reserve was established in 1985, primarily to protect the area's rich floral and herpetofaunal resources. Included in the list of over 450 taxa of vascular plants found in the reserve are 23 with Atlantic Coastal Plain affinities and 11 that are provincially significant (i.e. rare). The condition of the vegetation is excellent and relatively few non-native plants are present. Among the 31 taxa of amphibians and reptiles here, 10 are provincially significant. O'Donnell Point has the highest herpetofauna richness (i.e. greatest number of species) of any provincial park in Ecodistrict 5E-7 and is one of the richest provincial sites for herpetofauna in the province of Ontario. The rare Prairie Warbler probably breeds in the nature reserve and to date, nearly 100 other species of birds have been found in the area. Seventeen species of mammals have been documented at O'Donnell Point, including unconfirmed reports of Eastern Wolf. None of the species present in the O'Donnell Point area are listed in Ontario's *Endangered Species Act*. However, a number of species are designated as endangered, threatened or special concern by the MNR and Committee on the Status of Endangered Wildlife in Canada (COSEWIC).

For the purposes of this discussion, ecosystems in the O'Donnell Point area can be divided into three main types:

1. vegetated wetland / open water aquatic
2. forested upland
3. non-forested upland (i.e. open rock barrens)

Table 2 shows that 10 of the 11 provincially significant plant species known from the nature reserve require wetland/aquatic habitat and that most of the herpetofaunal species spend a majority of their lives in or near wetlands. The request for disposition as outlined in Alternative 3 would result in a greater percentage of wetland / aquatic ecosystems being protected in the O'Donnell Point Nature Reserve. Although forested and non-forested uplands provide important habitat for some of the significant species, the increased amount of protected wetland will optimize the benefits to most species. In addition, wetland habitats adjacent to the nature reserve are proposed for protection in the MDPFN *Land Use Plan*. No development is proposed within 100 m of any of the larger wetlands in the lands proposed for disposition.

Regardless of the outcome of the request for disposition of Crown and provincial park lands at O'Donnell Point, accurate and current data on the local populations and critical habitats (e.g. reptile nest sites and hibernacula) using appropriate techniques (e.g. radio telemetry) are needed for optimal management of the resources of the O'Donnell Point region. The O'Donnell Point Ecosystem Protection Group should coordinate such research and work with local stakeholders to ensure that ecologically responsible management and development is achieved.

Table 2. Significant Features of O'Donnell Point Nature Reserve

Scientific Name	Common Name	Provincial Rank (S-Rank)	Committee on the Status of Endangered Wildlife In Canada (COSEWIC) Designation	MNR Designation	Atlantic Coastal Plain (ACP)	Habitat
Bartonia paniculata ssp. paniculata	Branched Bartonia	S1	THR	THR	X	wetlands
Carex trisperma var. billingsii	Billing's Three-Seeded Sedge	S2S3				wetlands
Ceratophyllum echinatum	Prickly Coontail	S3				aquatic
Cladium mariscoides	Water Bog-rush				X	
Danthonia compressa	Flattened Wild Oat Grass	S3				dry openings, outcrops
Drosera intermedia	Spoon-leaved Sundew				X	
Elatine minima	Small Water-wort				X	
Eleocharis olivacea	Capitate Spike-rush				X	
Eriocaulon aquaticum	Seven-angled Pipewort				X	
Fimbristylis autumnalis	Slender Fimbristylis				X	
Juncus pelocarpus	Brown-fruited Rush				X	
Listera australis	Southern Twayblade	S2			X	wetlands
Myriophyllum tenellum	Slender Water-milfoil				X	
Platanthera blephariglottis var. blephariglottis	White-fringed Orchid	S3S4			X	wetlands
Polygala polygama	Racemed Milkwort				X	
Pontederia cordata	Pickerel Weed				X	
Rhynchospora capitellata	Small-headed Beaked-rush				X	
Rhynchospora fusca	Brown Beaked-rush				X	
Sagittaria graminea var. cristata	Grass-leaved Arrowhead	S3				aquatic
Schoe[illegible]oplectus torreyi	Torrey's Club-rush				X	
Scirpus purshianus	Pursh's Bulrush	SR				wet shores
Scirpus smithii	Smith's Club-rush	S2?				wet shores
Triadenum virginicum	Swamp St. John's-wort	S3			X	wet shores
Utricularia cornuta	Horned Bladderwort				X	
Utricularia purpurea	Purple Bladderwort				X	
Utricularia resupinata	Inverted Bladderwort				X	
Woodwardia virginica	Virginia Chain Fern				X	
Viola lanceolata	Lance-leaved Violet				X	
Xyris difformis	Two-formed Yellow-eyed-grass	S3?			X	wetlands

Scientific Name	Common Name	Provincial Rank (S-Rank)	Committee on the Status of Endangered Wildlife In Canada (COSEWIC) Designation	MNR Designation	Atlantic Coastal Plain (ACP)	Habitat
Agalinis purpurea (paupercula)	Large Purple Agalinis (Small-flowered Agalinis)*	S1 (S4S5)				
Lycopus virginicus (uniflorus)	Virginia (Northern) Bugleweed*	S2 (S5)				
Euonymus atropurpurea	Burning Bush**	S3				
Stenotherus odoratus	Stinkpot	S3	THR	THR		live in wetlands; nest near water
Clemmys guttata	Spotted Turtle	S3	END	SC		live in wetlands; nest and aestivate near water
Emydoidea blandingii	Blanding's Turtle	S3	THR	THR		live in wetlands; nest in open areas up to 1 km from water
Graptemys geographica	Northern Map Turtle	S3	SC	SC		live in wetlands; nest in uplands <1 km from water
Eumeces fasciatus	Common Five-lined Skink	S3	SC	SC		live and nest in woodland openings and edges
Elaphe gloydi	Eastern Foxsnake	S3	THR	THR		live and nest in shorelines & adjacent forest
Heterodon platirhinos	Eastern Hog-nosed Snake	S3	THR	THR		live in uplands & wetland edges; nest in open uplands
Lampropeltis triangulum	Eastern Milksnake	S3	SC	SC		live in wetlands & uplands; nest in latter
Thamnophis sauritus	Northern Ribbonsnake	S3	SC	SC		live on wetland edges; young born in habitats near wetlands
Sistrurus catenatus ssp. catenatus	Massasauga	S3	THR	THR		live in wetlands & uplands; young born in similar habitats
Canis lycaon	Eastern Wolf***		SC	SC		

* reported by Parkin Group; taxonomic confusion with common species likely; common species provided in brackets; exact location unknown
** reported by Parkin Group; almost certainly misidentified; exact location unknown
*** unconfirmed reports of sign in 2005

5.0 Evaluation and Selection

5.1 Evaluation of Public Comments

In response to the many public concerns expressed during the planning process, efforts have been made to address the relevant concerns obtained through public consultation (Table 3).

Table 3. Actions Taken to Address Public Concerns

Concern	Action(s) to Address Concern
Provincial nature reserve	
Size of the provincial nature reserve should not decrease (concept of no net loss).	• The response ranges from no change in area in the Status Quo (Alternative 1), a decrease in area in Alternative 2, and a slight increase in total regulated protected area in Alternative 3. In the third alternative, alternate lands of approximately the same size containing similar natural values were identified for addition to O'Donnell Point Provincial Nature Reserve. Further details are provided below. The boundary revisions to the nature reserve outlined in Alternative 3 (i.e. disposition of three park land parcels and addition of one Crown land parcel) would ensure no net loss of regulated park land.
Impact of disposition on protection of natural values	• Ontario Parks completed an ecological assessment of the three parcels of park land requested for disposition and the Crown land area identified for suitable addition to the nature reserve (Korol 2003). The natural values of these four parcels of land are approximately equal. For most of the significant features at O'Donnell Point, suitable habitat either occurs in all four parcels or does not appear to be present on any of the four parcels. For some species, there appears to be more suitable habitat in the Crown land parcel identified for addition to the nature reserve than in the three park parcels requested for disposition. • The proposed boundary revisions would result in a fragmented nature reserve, which may be of concern depending on how the lands connecting the current nature reserve and the Crown land addition are managed. These lands (Lot 53 Con 7), owned by MDPFN, contain sensitive wetlands. These lands will be managed for protection of their ecologic values in the MDPFN *Land Use Plan*. Under these conditions, the protection function of the nature reserve will likely be enhanced, and a larger area of sensitive lands will receive protection. The preliminary life science inventory for O'Donnell Point (Simpson 1980) had recommended the acquisition of the wetlands found in Lot 53 Con. 7. This wetland is protected in the *MDPFN Land Use Plan*. • The nature reserve addition is currently Crown land. This parcel is part of the Sustainable Forest Licence area called the French-Severn Forest. It is managed by Westwind Forest Stewardship Inc. and therefore could be harvested. An Area of Concern would probably be assigned around the wetlands, but undoubtedly not as protective as under provincial park status.
Impact on environment	
What are the social, economic and natural environmental impacts of the proposed disposition? Some individuals have expressed a	• Numerous studies have been conducted by Ontario Parks and MNR Parry Sound District including reports for life science (Ringham 1978, Simpson 1980, Brunton 1991, Crins 1992, Korol 2001, Blythe 2002, and Korol 2003), earth science (Speck 1978 and Kretschmar 2001), recreational resources (Heidorn 2001) and cultural resources (AFBY Archaeological & Heritage Consultants 2001). • Numerous studies have also been completed by MDPFN such as *Moose Deer Point Life Science Inventory* (Parkin Urban Design 2000), *Sustainable Community Plan: Phase One Report* (Parkin Urban Design 1999), population projections (Parkin Urban Design 2000), capital planning studies (R.J. Burnside and Associates Limited 1996, R.J. Burnside and Associates Limited 1998, Moose Deer Point First Nation 1999, and First Nation Engineering Limited 2002), draft water treatment and distribution feasibility studies (First Nation Engineering Services Limited 2002

Concern	Action(s) to Address Concern
desire for more studies to be completed.	and First Nation Engineering Services Limited 2005). • Access to GBA's satellite imagery was provided. • Potential social, economic, and environmental impacts of the proposed disposition and the status quo (Alternative 1) were examined in pages 27 to 63 in the *Final ESR*. A policy analysis was also done. • *An Ecological Assessment of a Proposed Boundary Revision at O'Donnell Point Provincial Nature Reserve* was completed by Ontario Parks' Central Zone in 2003 as a follow up to the completion of the *Final ESR*. The report provided additional information on potential impacts on the natural environment associated with the disposition. It stated that the nature reserve boundary change, in addition to the protective zoning of the *MDPFN Land Use Plan*, would provide better protection to the important values of O'Donnell Point. • The development and protection zones outlined in the MDPFN *Land Use Plan* have been examined and revised. At a broad level it is possible to determine general types of impacts. Significant site-specific development projects will be assessed for environmental impacts at the time they are being considered. Site-specific assessments will occur once specific details of a development proposal (e.g. location, size, type) are known. • An environmental assessment is required on Federal land (including First Nation land) when a project meets a 'trigger' under the *Canadian Environmental Assessment Act* and is not included in the exclusion list. Although certain projects may not require an environmental assessment, an environmental impact statement will be required under the MDPFN *Land Use Plan* when an area is being considered for residential, commercial, institutional, or industrial use (p.15). An environment impact statement would contain the predictions of the potential environmental, cultural, social and socio-economic impacts of the project; a description of the project and the existing environment; and outline how they intend to avoid, minimize or reduce any project impacts. Notification to the signatories of the O'Donnell Point Notification Protocol would also occur. Because site-specific assessment can be costly, a broader based site analysis of a larger area (i.e. a previously unopened area) would provide a more efficient approach. The MDPFN *Land Use Plan* notes that the *Moose Deer Point Life Science Inventory* will serve as a baseline for monitoring (p.15). Other inventories that have been completed can serve a baseline for monitoring of adjacent areas.
Development in general	
Uncontrolled development	• MDPFN is in the process of working towards obtaining full legal authority under the *First Nation Land Management Act* (FNLMA). Under the FNLMA, MDPFN is required to adopt a Land Code in accordance with the Framework Agreement on First Nation Land Management. MDPFN signed the Framework Agreement in 2003 and is developing a Land Code (i.e. a law on land management provisions and allowing the adoption and enforcement of the MDPFN *Land Use Plan*). Once operating under the FNLMA, MDPFN will have the authority to develop their own laws on land and resource management pursuant to the Act and their land code. This will replace their legal obligations to the land management provisions of the *Indian Act*. Any laws passed by MDPFN would be legally binding and be recognized by the courts. • Controls and restrictions outlined in the MDPFN *Land Use Plan* meet or exceed municipal and/or provincial restrictions. • Creation of an O'Donnell Point Notification Protocol and the O'Donnell Point Ecosystem Protection Group will contribute towards protection efforts of sensitive areas and responsible development efforts.
Twelve Mile Bay is overdeveloped and no further development should occur.	• MDPFN has engaged in efforts to establish land use planning principles and documents (e.g. inventories, capital planning study, and MDPFN *Land Use Plan*) that will result in responsible development. The zoning in the MDPFN *Land Use Plan* attempts to achieve the dual aim of protecting sensitive areas while providing sufficient developable areas to meet the community's future needs. • MNR supports the local efforts to reduce potential negative impacts (e.g. implementation of the

Concern	Action(s) to Address Concern
	Clean Marine Program at Moose Deer Point Marina, distribution of a pamphlet on phosphates by Georgian Bay Association, and a pamphlet on Septic system check-up by the District Municipality of Muskoka). • Continued development on MDPFN lands is expected to occur regardless of the outcome of the request for disposition.
Development of shoreline	
Do not want shoreline development	• The 20 metre (66') shore road allowance is not part of the proposed disposition. The shore road allowance is under the jurisdiction of the Township of Georgian Bay. • The two alternatives show different combination of Crown lands along Twelve Mile Bay that are requested for disposition. For all alternatives, these lands go up to but do not include the 20 metre shore road allowance. • Only a small piece of the provincial park lands requested for disposition (near Isaac Bay) is adjacent to Twelve Mile Bay. However, a 20 metre strip of land fronting the shore in this area is not included in these lands requested for disposition. This 20 metre strip will remain as regulated provincial nature reserve in all alternatives. • The amount of lands adjacent to the shore road allowance has decreased in each alternative (in other words, Alternative 2 contains the most Crown lands adjacent to the shore road allowance, and Alternative 3 contains the least Crown lands adjacent to the shore road allowance). • The consulting team that completed the *Final ESR* suggested specific improvements for the MDPFN *Land Use Plan*. The MDPFN *Land Use Plan* was subsequently revised, including greater setbacks to improve shoreline protection and provisions for shoreline naturalization.
Impacts on quality of life (e.g. scenic enjoyment, noise)	• MDPFN *Land Use Plan* incorporates areas of non-development as well as development guidelines. For example, an aesthetic buffer zone (EP3 Natural Constraint) has been inserted between Twelve Mile Bay and residential and community core zones for approximately 75% of lands adjacent to the shore road allowance that are requested for disposition. Residential and commercial buildings would not be built in this zone, however docks would be permitted. In the residential zone, space along shorelines is to be naturalized for privacy, aesthetic and environmental reasons (p. 9). Buildings in residential zones will be built at least 20 m back from shore (p.8). A shoreline setback for the Township of Georgian Bay is 20 m and for the Township of the Archipelago is 7.5 m. In the community core zone, the minimum distance of buildings and outdoor recreation to shorelines, streams and wetlands is 20 m (p.11). • MDPFN *Land Use Plan* also indicates that spaces previously cleared, in particular along shoreline, are to be naturalized for privacy, aesthetic and environmental reasons. • According to the MDPFN *Land Use Plan*, in core community zone, industrial uses may be permitted. A 20 m buffer between the shoreline and the community core zone has been established for approximately 50% of this zone. The lands without buffer are currently part of MDPFN lands. Any industrial uses shall be enclosed by a berm or solid fence, not less than 2.5 m in height. Landscaping including tree planting shall be done on all berms and/or the outside of all fences (p.12). • MDPFN *Land Use Plan* indicates that an acoustical engineer will design space for noise generating activities in community core zone so that the noise level averaged over 24-hour time period shall not exceed 50 decibels measured at a distance of 15m from the use or structure that contains it. • Commercial zone allows a few commercial ventures outside the community core zone. All of the lands zoned as commercial zone are on existing MDPFN, and therefore independent of request for disposition.
Water quality	
Concern that Twelve Mile Bay is already	• Many have expressed concerns over the amount of development in Twelve Mile Bay and its impact on water quality. The water quality monitoring report (Schiefer 2005) recommends limiting new lakeshore development in cases where it would exceed the natural capacity of the

Concern	Action(s) to Address Concern
overdeveloped and water quality is in peril	ecosystem. The standards and zoning in the MDPFN *Land Use Plan* will prevent any potential impacts to water quality from any future developments and mitigate impacts from current uses. • MNR has only a limited ability to address this concern, as many of the factors that potentially influence the water quality in Twelve Mile Bay are beyond the scope of MNR. • This is an example of the type of issue that the O'Donnell Point Ecosystem Protection Group would be well suited to address (water quality has already been identified as a topic of interest in preliminary discussions to create this group). • Monitoring of water quality in Twelve Mile Bay is currently being done by the Georgian Bay Association. • MDPFN *Land Use Plan* provides minimum standards for septic systems in residential and community core zones which meet or exceed municipal standards such as 15 m from stream, 30 m from high water mark, 1m above high water mark (p.8), and all septic systems must be pumped and visually inspected every 3 years (p.10). Upgrades must be done if the system is found to be sub-standard. In addition, marinas and potential future tourist operations must provide proof of proper septic facilities and licensed sewage pump-out (p.12). Existing non-conforming uses are allowed to continue unless it threatens natural features or ecological function (p.4). For example, where current septic systems setback do not comply with the minimum standards and pose a threat to the natural features or ecological function, one year will be given to meet the standards or the non-conforming use will be corrected at the owner's expense.
Results from Water Quality Monitoring Report for the Twelve Mile Bay are not positive (Schiefer and Schiefer 2005)	• The water quality report stated concerns for the potential for Blue-Green Algae outbreaks in Twelve Mile Bay. A key factor in such outbreaks is nutrient enrichment (e.g. phosphorous) from septic system effluent. As stated above, exiting and future septic systems will have to adhere to specific standards. It is anticipated that nutrient enrichment from the south side of Twelve Mile Bay will decrease over time because of upgrades to current standards. • Although the phosphorous and oxygen levels reported may indicate a decrease in suitable coldwater fish species habitat, a complete loss of this fish community cannot be inferred with the information provided in the report. The sonar charts were too limited in scope (i.e. one day) and did not provide any indication of its spatial coverage. In addition, the fish community reported, being mostly Cisco and Whitefish, are characterized as being mobile and have seasonal movement patterns. • The water quality monitoring report mentions the establishment of a community-based environmental advisory committee to champion the reduction of nutrients inputs and develop a lake plan. Such a group initiated in 2003 by the MDPFN exists. The O'Donnell Point Ecosystem Protection Group is an advisory body comprised of various stakeholders (e.g. cottagers, First Nation, and government), which supports the conservation and stewardship of habitats and processes of the O'Donnell Point ecosystem, and provides a discussion forum related to ecosystem health. • The MNR has asked the Ministry of Environment for their comments on the report; however, no comments had yet been received as of March 1, 2006.
Boat traffic	
Concern about boat traffic, safety, noise and water pollution in Twelve Mile Bay	• A municipal dock, a marina run by the MDPFN in Twelve Mile Bay, a private marina in King Bay, and a township access point in Bloody Bay currently provide water access to numerous private land owners in the area. • Potential future changes in boat traffic would occur independent of the outcome of the request for disposition. • MNDPFN *Land Use Plan* requires the Moose Deer Point Marina to be certified under the Ontario Marine Operators Association's Clean Marine Program. Eco-rated marinas adopt environmental best practices as a policy and way of doing business. Ratings, with a low of one to a high of five, are determined through an audit covering more than 200 environmental practices, from fuelling to waste oil and paper recycling. The audit is done using a Clean Marine Manual produced through the cooperation of the Ontario Marine Operators Association, Environment

Concern	Action(s) to Address Concern
	Canada, and Ontario Ministry of Environment.
MDPFN *Land Use Plan*	
Comments about the document.	• The draft MDPFN *Land Use Plan* was voluntarily shared with the public during the Background Information Issues and Options stage of the provincial government's planning process. Although the final approved MDPFN *Land Use Plan* was not available during the Preliminary Management Plan stage, a summary was shared during the public consultation sessions. The entire document was provided to members of the Ecosystem Protection Group in February 2006. • Many revisions to the MDPFN *Land Use Plan* were made during the completion of the environmental study report, based on suggestions made by the consulting team to MDPFN and on public comments received. For example, environmental concerns were raised regarding a residential area zoned adjacent to a wetland along Ogemawahj Road. This residential zone has since been removed. As another example, some individuals questioned why lands requested for disposition that were zoned as protected area in the MDPFN *Land Use Plan* would not instead be protected as regulated provincial park land. A large area of land previously zoned for protection in MDPFN *Land Use Plan* is now being proposed for addition to O'Donnell Point Provincial Nature Reserve. • The zoning in the MDPFN *Land Use Plan* has also been significantly revised. Wetlands are an important natural value of the area, and as such wetland areas on MDPFN have been zoned for protection, including a 30 m buffer. After this was completed, in conjunction with previously completed inventory work, locations of development zones were identified from the remaining available area.
Regulation and Guarantees	
The MDPFN *Land Use Plan* could change at any time.	• The MDPFN *Land Use Plan* was approved by the MDPFN Community on February 12, 2004 and by the Chief and Council on October 13, 2004. • Any changes to the MDPFN *Land Use Plan* will require re-approval from the MDPFN Community, and the Chief and Council. • MDPFN is currently developing a Land Code which provides the legal authority to implement the MDPFN *Land Use Plan*. Municipal land use plans usually incorporate an amendment procedure. An amendment procedure for the MDPFN *Land Use Plan* will be outlined in the Land Code. • The O'Donnell Point Notification Protocol outlines specific activities for which notification will be provided. One such specific activity would be an amended land use plan; therefore any proposed amendments would be circulated to the Parties to the notification protocol for comments prior to a decision. •
How will protection be guaranteed? What assurance is there that proposed actions are implemented and reasonably evaluated on an ongoing basis?	• The Framework Agreement to First Nations Land Management under the *First Nation Land Management Act* (1999, c. 24) requires the development of environmental assessment process within one year of the ratification of their land code. In the interim, *Canadian Environmental Assessment Act* will apply, • First Nation laws, as they are enacted, will maintain or exceed the intent of all relevant Federal and Provincial environmental regulations, whichever is greater. • Examples of legislation that MDPFN will still be subject to after establishment of the Land Code: - boat launching ramps, marine railways or docks erected adjacent to navigable waterway subject to current or succeeding legislation, such as the *Fisheries Act* (R.S. 1985, c. F-14) - *Canadian Environmental Assessment Act* (1992, c. 37), but only up to 1 year after ratification of the land code - *Canadian Environmental Protection Act*, 1999 (1999, c. 33) - *Species at Risk Act* (2002, c. 29) - For development on Crown lake beds; *Public Lands Act* (R.S.O. 1990, c. P.43) • The MDP Land Use Plan states that marinas will be certified under the Clean Marine Program

Concern	Action(s) to Address Concern
	• Some areas proposed for protection by MDPFN in Alternative 2 have since been proposed for addition to regulated park lands in response to public comments (Alternative 3).
Enforcement	
Concerns were expressed in regards to the enforcement of the MDPFN Land Use Plan. Respondents were concerned that there will be no control on density, quality or type of development. It was suggested that a legal enforcement mechanism be established.	• As outlined in the MDPFN *Land Use Plan*, if a community member is in contravention of the MDPFN *Land Use Plan*, the MDPFN Land Resource Board will work with the contravener to bring the individual into compliance. However, a persistent contravener will be dealt with under the provisions of the Land Code. MDPFN will explore options for enforcement mechanisms to ensure the land use plan is followed. • The governing body that oversees development is the MDPFN Chief and Council. • The O'Donnell Point Notification Protocol and the O'Donnell Point Ecosystem Protection Group provide a workable means of responding to public concerns regarding assurances. • As mentioned in the previous concern, there are a number of Federal legislations that still apply to First Nation lands.
Planning process	
Dissatisfaction with process.	• Some comments have indicated dissatisfaction with the length of time provided for reviewing documents. Requirements for public consultation periods have been followed and in some cases exceeded to address concerns raised by the public. • A few comments have indicated dissatisfaction with the stage at which the public became involved in the process; however, the invitation to participate was provided at the appropriate stage in the process. • Some comments have indicated dissatisfaction with the options of land being considered (i.e. other alternative lands should be considered). Lands that were determined as acceptable for further consideration for a requested disposition were identified through lengthy multi-jurisdictional discussions, as outlined in Section 2.1 of this document. The best available options are currently being considered in Alternatives 1, 2, and 3. It is important to remember the main reason for the ATR was to establish a contiguous land base to address socio-economic concerns and needs. • Exemption orders 59/2 and 26/7 allow for this proposal to proceed without the project to be designated as an individual Environmental Assessment. • Some concerns were expressed in regards to the lack of incorporating public input in the proposal. Major changes from the original proposal to the preferred alternative include: the reduction of public lands considered for disposition from 440 ha (Figure 7) to 263 ha (Figure 8), the addition of 180 ha to the nature reserve, and changes to the MDPFN *Land Use Plan* such as greater shoreline and wetland setbacks, provisions for shoreline naturalization, no residential zoning near wetlands, removal of residential zone adjacent to wetlands along Ogemawahj Road, and zoning boundary changes.

5.2 Preferred Alternative

The *Final ESR* stated that the Status Quo (Alternative 1) would not be consistent with the Ontario Aboriginal Policy Framework or MNR's Statement of Environmental Values and Objectives, but that The Proposal would be consistent with all of the provincial policies or directions. As for social, terrestrial, aquatic and land use variables, the Status Quo (Alternative 1) would have a negative effect on many of the social values evaluated. Conversely, The Proposal would have a positive effect on all of the variables evaluated. Although the report did not suggest a preferred alternative, it is evident that The Proposal (i.e. Alternative 2) was the better option.

This document presents another alternative. This new alternative, Alternative 3, is the preferred option because it is a significant improvement of Alternative 2 based on the integration of stakeholder and public input since the release of the *Final ESR*. As outlined in Section 3.0, Alternative 2 is identical to The Proposal in the *Final ESR*; namely the disposition of 340 ha of Crown land including a part of the nature reserve without any addition to the nature reserve. Alternative 3 is far superior because not only does it meet government policy and direction, as evaluated in the *Final ESR* (French Planning Services Inc. 2003), but it also maintains the size and integrity of the park, addresses many concerns raised by the public during previous consultations and meets the needs of the MDPFN. Although this alternative suggests having the O'Donnell Point Provincial Nature Reserve in two separate parcels; it must be viewed in conjunction with the *MDPFN Land Use Plan*. The intervening First Nations land between the parcels of the nature reserve is zoned for protection in the *MDPFN Land Use Plan*. The lands suggested for disposition and addition were also evaluated by an Ontario Parks' zone ecologist (Korol 2003).

Other than the factors discussed above and in the previous section, another factor supported the selection of MNR's preferred alternative (Figure 8). Since the publication of the *Final ESR*, the Georgian Bay Association foundation and the Georgian Bay Biosphere Reserve Inc. have successfully petitioned for the establishment of a biosphere reserve. The preferred alternative fits well with the concept of the Georgian Bay Littoral Biosphere Reserve, being a showcase for conservation and sustainable economic development working in harmony.

6.0 Implementation, Mitigation and Monitoring

The *Final ESR* contained comprehensive details of implementation (i.e. park and Crown land disposition, and park planning process) and numerous suggestions regarding implementation and monitoring (see Appendix D). This section will provide an update on the suggestions made in the report in light of the recent developments in regard to the *MDPFN Land Use Plan*, the *O'Donnell Point Notification Protocol*, and the *Ecosystem Protection Group*. Readers are recommended to refer to both the following list and the list found in the *Final ESR* (Planning Services Inc. *et al.* 2003) for a complete overview.

6.1 Implementation

In regard to implementation of the alternatives, a few initiatives need updating:

- the completion of the park management plan is now scheduled for 2006,
- the *MDPFN Land Use Plan* was approved by Chief and Council October 2004,
- the *O'Donnell Point Notification Protocol* was ratified in August 2004, and
- the *Ecosystem Protection Group* (i.e. stewardship council) adopted their Terms of Reference on June 2004. However, as of March 2006, amendments to the terms were being considered by the group.

6.2 Mitigation

Unless specified otherwise, the points discussed below refer to the *MDPFN Land Use Plan*.

6.2.1 Social Environment

Cultural Perspectives

- The *MDPFN Land Use Plan*, *O'Donnell Point Notification Protocol*, and *Ecosystem Protection Group* will likely "enhance cultural understanding amongst all parties while addressing shared objectives of environmental stewardship."

Noise

- A limitation to noise was addressed in the Community Core Zone.
- The *O'Donnell Point Notification Protocol* includes provisions to notify other governments in regard to proposed developments (i.e. residential, commercial industrial or institutional), which could have potentially result in increased noise pollution.

Scenic Quality

- Included are measures to limit the height, bulk and location of buildings and structures along shoreline areas.

Cultural and Historical Features

- Areas proposed for development (i.e. residential, commercial industrial or institutional) will require an environmental impact statement. Such as report would include the predictions of the potential cultural, impact of the project and outline how they intend to avoid, minimize or reduce any project impacts.
- All development proposals must provide a resource maps that must show all historical/cultural sites within 150 m.

6.2.2 Terrestrial Environment

Topography and Landforms

- All of the wetlands are protected in the *MDPFN Land Use Plan*. The zone boundaries provide a minimum 30 m buffer between the environmental protection zone and the residential zone.
- Areas proposed for development (i.e. residential, commercial industrial or institutional) will require an environmental impact statement. An environment impact statement would contain the predictions of the potential environmental impacts of the project; a description of the project and the existing environment; and outline how they intend to avoid, minimize or reduce any project impacts.
- Space between homes and along shorelines must be naturalized for aesthetic and environmental reasons. Council may place a condition on an application in regards to the preservation of mature trees and the protection of special habitat.

Geology

- Managed through site-specific environmental impact statements required.

Surface Drainage

- New developments proposed adjacent to shorelines, streams and wetlands must be at least 20 m away.
- A storm water management plan may be required based on Council's review of the proposal.

Soil Type and Texture

- All development proposals must provide resource maps that must show all ridgelines and rock outcrops within 150 m.
- A septic system must not be within 15 m of a stream, 30 m of the high water mark, or below 1 m of the high water mark. The system must be pumped and visually inspected every three years. The condition of the system must be reported to the land management co-ordinator.

Erosion and other Hazard Lands

- A storm water management plan may be required based on Council's review of the proposal.
- Building openings must be no lower than 1m above the high water mark of Georgian Bay; 177.4 m.

Forest Cover

- Space between homes and along shorelines must be naturalized for aesthetic and environmental reasons. Council may place a condition on an application in regards to the preservation of mature trees and the protection of special habitat.

Ground Cover

- Addressed in points above regarding environmental impact statements

Wildlife and Habitat

- Addressed in points above regarding environmental impact statements and conditions on a application

Special Features

- Addressed in points above regarding environmental impact statements and development adjacent to wetlands

Ecosystem Representation

- Addressed in points above regarding environmental impact statements and zoning buffer around wetlands
- A goal of the Ecosystem Protection Group is ecosystem health

6.2.3 Aquatic Environment

Shoreline Characteristics

- Addressed in points above regarding the environmental impact statements, vegetation naturalization, and septic system and built structures setbacks

Water Level Fluctuations

- Addressed in points above regarding environmental impact statements

Fish Species and Habitat

- Current provincial and federal legislation adequate to mitigate threats

Water Quality

- Community water and sewage infrastructure are allowed subject to the approval process

6.2.4 Land Use

Public Recreational Uses

- The zone provisions of the Environmental Protection Zone and the Nature Interpretation Zone specifically state restricted and permitted uses.
- The nature reserves' interim management statement (OMNR 1998) did not encourage any recreational uses such as walking viewing or canoeing. This approach was confirmed during park management planning (i.e. approved park management plan).

Commercial recreational use

- The Community Core, Commercial, and Marine Landing zones have specific details regarding permitted uses and management policies. Moreover, as part of the approvals process, the MDPFN Council may place additional conditions on the application such as the protection of special habitat.
- Current Ontario Parks' policy dictates that commercial recreational uses are prohibited in provincial nature reserves. The exception being restrictions on vehicles, aircraft and motor boats. These activities may be allowed where deemed appropriate. However, the approved park management plan does not allow mechanized travel or commercial tourism services.

Transportation

- In the residential Zone, the maximum length of the dock is 15 m, and home based businesses' may have a maximum of five slips for private docking. Roads allowed if opened and assumed by municipality or First Nation.
- Addressed in points above regarding impact statement and approvals' resource map.

Water Consumption & Wastewater

- Community infrastructures are subject to the requirements of the plan.
- Pre-existing uses that poses a threat to the natural features or ecological functions (i.e. septic systems) must be corrected to meet environmental standards within 1 year or the use will be fixed at their expense. The plan does have enforcement provisions.

Existing Development and Alienated Lands

- Addressed in points above regarding access and use of nature reserve

Stormwater

- Any stormwater management facilities would require an environmental assessment under the *Canadian Environmental Assessment Act* and its approval subject to the *MDPFN Land Use Plan.*

Solid Waste

- Addressed in point above regarding stormwater management facilities

6.3 Monitoring

Unless specified otherwise, the points discussed below refer to the *MDPFN Land Use Plan.*

6.3.1 Social Environment

Community Sustainability

- The last step of the plan is the monitoring of construction to ensure compliance of the final site plan.
- Enforcement provisions are part of the plan

Job Opportunities

- No update to highlight

Scenic Quality

- Enforcement provisions are part of the plan (i.e. shoreline naturalization)
- One of the Ecosystem Protection Group's objectives is to monitor shoreline habitats of the O'Donnell Point Ecosystem.

Cultural and Heritage Features

- Addressed in point above regarding monitoring of the final site plan

6.3.2 Terrestrial Environment

Topography and Landforms

- Addressed in point above regarding monitoring of the final site plan

Surface Drainage

- Addressed in point above regarding monitoring of the final site plan

Erosion and other Hazard Lands

- Topography and soils within 150 m of a proposal must be shown on their resource map.
- Prevention of erosion is specifically mentioned as a possible condition of the approval of an application

Forest Cover

- Addressed in point above regarding monitoring of the final site plan

Ground Cover

- Addressed in point above regarding monitoring of the final site plan

Wildlife and Habitat

- Addressed in point above regarding monitoring of the final site plan

6.3.3 Aquatic Environment

Shoreline Characteristics

- Addressed in point above regarding monitoring of the final site plan

Water Level Fluctuations

- No update to highlight

Fish Species and Habitat

- The Ecosystem Protection Group is interested in monitoring the wildlife including fish species of the O'Donnell Point ecosystem.

Water Quality

- Monitoring of the water quality of Twelve Mile Bay has been conducted by the Georgian Bay Association since 1999. The Ecosystem Protection Group is interested in monitoring, evaluating results and making recommendations regarding the waters of the O'Donnell Point Ecosystems, which includes Twelve Mile Bay and King's Bay.

6.3.4 Land Use

Public Recreational Use

- Enforcement provisions are part of the MDPFN *Land Use Plan*

Water Consumption & Wastewater

- No update to highlight

Existing Development and Alienated Lands

- No update to highlight

Stormwater

- Enforcement provisions are part of the plan

Solid Waste

- Enforcement provisions are part of the plan

7.0 Highlights

Many positive things have happened since the release of the *Final ESR*. Some were briefly mentioned under sub-section 2.2 Key Dates, but warrant further discussion. This section will focus on the positive outcomes achieved since the start of the park management planning and land disposition processes in 2001.

Although the *MDPFN Land Use Plan*, the Notification Protocol and the Ecosystem Protection Group are not formally part of the planning process, they are not entirely unrelated. They were among the significant items highlighted by French Planning in the concluding recommendations of the *Final ESR*.

7.1 Public Consultation

The length of public consultations periods have been followed and in many cases exceeded to address significant changes and concerns raised by the public. In regards to the park planning process, the normal 45-day comment periods for the Invitation to Participate and the Background Information stages were increased to 65 and 73 days, respectively. The Invitation to Participate stage was extended to provide new information regarding a potential Crown land disposition; and the Background Information stage was extended due the high volume of comments and because of requests by the public for more time to review the information. The consultation period for the preliminary park management plan stage was 60 days instead of the minimum of 45–day requirement. Mail outs were also done for these park planning stages. The initial mailing list consisted of 206 individuals and organizations. During subsequent consultation opportunities, the mailing list has grown up to 541 individuals and organizations. Due to address changes, the mailing list currently has 462 individuals and groups.

During the Background information stage, meetings were held with provincial environmental non-government organizations and open houses were held in Moose Deer Point and Toronto. The open houses were well attended with 70 and 400 persons appearing at Moose Deer Point and Toronto, respectively. Open houses were held again at Moose Deer Point and Toronto during the preliminary park planning stage. Approximately 26 people attended the open house at Moose Deer Point and 53 people attended the one in Toronto.

Although not an MNR-commissioned document, the *Final ESR* did follow the required public notices related to invitation to provide comments on the proposed project (e.g. 30 days), inspection of the draft ESR (60 days), and inspection of the final ESR as specified in the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects (2003) and Ontario Park's policy on the *Preparation of Implementation Plans* (i.e. PM 11.03.01).

Over the course of the park planning and potential land disposition processes, four additional mail outs were done to keep individuals and organizations on the O'Donnell Point mailing list informed.

7.2 MDPFN Land Use Plan

The *MDPFN Land Use Plan* embraces anticipated growth, but restricts it to less sensitive lands. The plan also requires development in an environmental friendly way that is equal to and in some cases exceeds the by-laws of the adjacent municipalities and the legal requirements of provincial and federal law. The plan established zones for residential and commercial activities as well as for environmental protection. Public comments received during the Background and Information stage open houses and the Preliminary ESR were incorporated in the establishment of these zones such as increased set backs along shoreline and

wetlands and no residential zoning near wetlands. The plan is an important component of the park management planning and land disposition process. The myriads of upland and lowland habitat between the two residential zones will provide a vital natural link to the proposed disjunct nature reserve parcels. The approvals process and the enforcement section will contribute significantly to the mitigation measures recommended in the *Final ESR*.

7.3 Notification Protocol

The O'Donnell Point Notification Protocol is an important agreement between the District Municipality of Muskoka, The Township of Georgian Bay, The Township of The Archipelago, MDPFN and the MNR. Only the second of its kind in Ontario, the protocol provides direction for notification between the said parties on proposed transactions under their responsibility (i.e. zoning, roads, residential, commercial or industrial developments, or amendments to the park management plan). Although the protocol is not legally binding, it does provide an excellent framework for relationship building between the signatories. The first such protocol (i.e. Grand River Notification Agreement), originally signed in 1996, and has proven to be beneficial and the agreement was renewed in 2004.

7.4 Ecosystem Protection Group

The purpose of the O'Donnell Point Ecosystem Protection Group is twofold. First, the group will support the conservation and stewardship of habitats and processes of the surrounding ecosystem. Second, it will provide a discussion forum of stakeholders related to the health of the ecosystem. Although a relatively new group, their recently adopted terms of reference states that they will help monitor the habitats, wildlife and waters, evaluate the monitoring results, and make recommendations. Open communication and fostering stewardship are also key objectives of the group. The role of this group is very important in regards to the monitoring recommendations of the *Final ESR*.

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9.0 Appendices

Appendix A: Public Consultation Summary from the *Final Environmental Study Report (2003)*

Please note: Some terminology and dates have been revised since the publication of the report.

Section 8 – Consultation

Sections 8.1 to 8.4 provide an overview of the parks planning consultation process. Sections 8.5 and 8.6 provide an overview of the public and First Nation comments received in response to the review of the Preliminary Environmental Study Report.

8.1 Study Context: Park Management Planning Process

In accordance with subsection 3(2) of the Provincial Parks Act, a change to a park boundary requires an approval by Order in Council (i.e., Cabinet order). This change is being considered through the Ministry's park management planning process.

Park Management Plans are prepared by Ministry of Natural Resources (Ontario Parks) in consultation with stakeholders, residents, local businesses, park users and the public. They follow a defined four-step process as follows:

- Phase 1 - Terms of Reference
- Phase 2 - Background Information / Issues and Options
- Phase 3 - Preliminary Management Plan
- Phase 4 - Recommended Management Plan

Through the park management planning process, Ontario Parks has encouraged interested participants to offer comments at appropriate stages of the planning process. Specifically, they have requested background information, the identification of areas containing values that might be affected by park management activities, and other outstanding issues and concerns.

The Georgian Bay Association and its affiliated groups were identified as affected stakeholders early in the planning process and a meeting to outline the general concepts of the project was hosted by the Ministry of Natural Resources at the Moose Deer Point Community Centre on August 31, 2001. The Georgian Bay Association hosted a second meeting in Toronto on October 4, 2001 and it excluded the First Nation. The background information, issues and options were not fully developed at that time and were not presented at these meetings, however, the meeting provided an opportunity to create awareness and to understand issues.

In September 2001, the Ministry of Natural Resources initiated the O'Donnell Point park management planning process. At the same time, they announced the potential disposition of Park and Crown Land to Moose Deer Point First Nation. This notice was sent to over 200 individuals and groups, which has since expanded to over 400 parties. All interested participants were invited to become involved in the planning process.

The role of the park management planning process was twofold. Firstly, to identify the contributions that O'Donnell Point Nature Reserve makes to the achievement of the four Ontario provincial parks system objectives: protection; heritage appreciation; recreation; and tourism and secondly, to establish management policies (e.g., classification, zoning and permitted uses) that would maintain or enhance those contributions. The Ministry of Natural Resources received over eighty letters and calls from the public concerning the proposed disposition of land to the Moose Deer Point First Nation during the development of the terms of reference.

On December 14, 2001, the Ministry of Natural Resources published a "Background Information, Issues and Options" document to provide background information to the residents and businesses in the area. The document described the issues that had been identified and requested constructive comment on solutions as well as new alternatives to be considered. This document was distributed to 400 addresses on the mailing list and members of the public. The Ministry of Natural Resources also updated a notice of the proposed Park Management Plan on the Environmental Bill of Rights electronic registry, seeking comments by March 1, 2002, which was extended to March 18, 2002.

In January 2002, the Ministry of Natural Resources hosted two open houses for the "Background Information Stage" of the park management planning process and the potential disposition of Crown land. Interested parties were invited to attend an open house in Toronto on January 12, 2002 and at the Moose Deer Point First Nation community centre on January 19, 2002. Representatives of Moose Deer Point First Nation were active participants in both open houses.

The public meetings were well attended. Over four hundred persons participated in the Toronto meeting and about seventy persons at the Moose Deer Point meeting. Concerns were raised about any future development in the area, specifically those areas which were visible from neighbouring cottages. The comments are summarized in Section 8.2 below.

Due to the numerous questions generated at the open houses and numerous letters sent to the Ministry of Natural Resources, on January 25, 2002, the Ministry of Natural Resources issued a letter clarifying answers to some of these questions. This letter emphasized that the study was at the inventory and analysis stage where the identification of major issues and options were still welcome. Also, in part due to the volume of responses received, the Ministry of Natural Resources extended the deadline for comments from March 1, 2002 to March 18, 2002.

In July 2002, the Ministry of Natural Resources once again wrote to the study participants. This letter outlined that an Environmental Study Report was being prepared to assist in responding to public concerns raised during the planning process. The Ministry of Natural Resources stated that the report would assess the effects of the proposed disposition of Park and Crown lands on the ability to achieve Nature Reserve objectives and Crown land programs. The letter indicated that the Ministry of Natural Resources would review the information collected, comments received and the Environmental Study Report during the preparation of the Preliminary Park Management Plan and that these would be made available for public review.

8.2 Summary of Public Comments on Park Management Planning Process

As part of the park management planning process, public and agency comments were sought and received. The Ministry of Natural Resources (Ontario Parks) provided a summary of the comments received to date from the public.

Ministry of Natural Resources advised that they received a total of eighty-five phone calls, emails, letters and faxes regarding the first stage of the park management planning process (i.e., terms of reference stage).

More than 220 communications were received during the second stage of the park management planning process (i.e., background information/issues and options stage). The second stage outlined the request for disposition of Park and Crown lands and other issues related to the Park Management Plan. The comments primarily dealt with the request to dispose of Provincial Nature Reserve and Crown lands for addition to the Moose Deer Point Reserve.

A mixture of support and opposition was received. Ministry of Natural Resources advised that many public comments cited concerns about future development by Moose Deer Point First Nation, the lack of rules to govern this development, and guarantees associated with the protection of environmentally sensitive lands. Comments expressed the concern that Twelve Mile Bay is currently overdeveloped, and that increased development would be detrimental. Water quality concerns were expressed and some would prefer no development in order to prevent further stress on the Twelve Mile Bay. Shoreline development was identified as a particular area of concern.

Other questions raised by the public to the Ministry of Natural Resources included:

- Whether Moose Deer Point First Nation is subject to building regulations similar in nature to regulations on private lands?
- What methods of enforcement exist for the transferred lands?
- Could development occur rapidly?
- What land use controls are in place?
- Will there be opportunity for input on changes in land use?
- What guarantees exist for land use protection?
- How would changes to the Moose Deer Point First Nation Land Use Plan occur?

Ministry of Natural Resources advised that some of the concerns were related toward the future development intentions of the Moose Deer Point First Nation, rather than limited to the proposal to use the lands requested for disposition. Some respondents supported the need of the Moose Deer Point First Nation to increase their land base in efforts to unify their community, as well as for their efforts to develop and implement responsible planning for sustainable development.

Some comments articulated opposition for the proposed deregulation of Provincial Nature Reserve lands arguing that the principle of deregulating Nature Reserve lands is wrong, and that protection of sensitive lands by the province should continue. Some respondents expressed that the funds generated from a potential disposition could be used to acquire additional lands for protection elsewhere, and that no net loss of provincial parkland should occur.

Comments about the proposed Stewardship Agreement varied widely, from no support to definite support. Based on these comments, the Ministry of Natural Resources concluded that further clarification of this concept would be beneficial. Some comments indicated that the public wanted to review the proposed Stewardship Agreement and have assurance that its contents are enforceable.

A smaller portion of comments received was in response to a request for comments on the provision of Nature Reserve facilities such as docks, fire pits, and privies. Some comments noted dissatisfaction with the park management planning process and some suggested an environmental assessment be conducted. Some stakeholders expressed dissatisfaction at not being included earlier in the initial planning stages.

8.3 Support for the Proposal

Indian and Northern Affairs Canada advised that they support Moose Deer Point First Nation's request. Westwind Forest Stewardship Inc., the Sustainable Forest License holder for the Crown lands, is receptive to the 'Addition to Reserve' proposal. The Partnership for Public Lands League provided a letter of support.

As well, comments were received from the general public supporting the concept of the Moose Deer Point First Nation increasing their land base in efforts to unify their community provided that it was done in a sustainable manner. Comments also noted that a net increase of protected area within the O'Donnell Point region could be accomplished through protection of lands in the Moose Deer Point Land Use Plan and the proposed Stewardship Agreement. This would include wetlands located adjacent to the Nature Reserve on lands held in trust by Moose Deer Point First Nation.

8.4 Next Steps

Further opportunity for public comments to be submitted to the Ministry of Natural Resources will occur in the remaining stages of the park management planning process (i.e., Stage 3 - preliminary park management plan, and Stage 4 -recommended park management plan).

In addition, public comments on the Preliminary Environmental Study Report were also requested. The Preliminary Environmental Study Report was published on the Environmental Bill of Rights registry for public comment from November 28, 2002 to January 27, 2003. The comments received are summarized in Section 8.5 of this final report and were submitted to the Moose Deer Point First Nation, Indian and Northern Affairs Canada and the Ministry of Natural Resources.

The Ministry of Natural Resources will consider the results of the Environmental Study Report during the preparation of the Preliminary Park Management Plan. The tentative release date for the Preliminary Park Management is 2003. A public open house to review the Preliminary Park Management Plan will be scheduled to provide an opportunity for comments and feedback.

8.5 Public Comments on Preliminary Environmental Study Report

In July 2002, the Ministry of Natural Resources (Ontario Parks) sent a letter to the individuals and organizations on the O'Donnell Point mailing list (approximately 500 letters) that indicated an Environmental Study Report would be prepared and made available for review. On November 20, 2002,

the Ministry of Natural Resources (Ontario Parks) sent another letter to everyone on their mailing list indicating that the preliminary Environmental Study Report was available for public review and that comments about the document could be submitted to the consultants. The intent of the review was to gather information to be considered for the preparation of the Final Environmental Study Report. MNR (Ontario Parks) also indicated that information collected, comments received through the planning process and results of the environmental study report would be taken into consideration during the preparation of the Preliminary Park Management Plan.

A copy of the comments received during the public review of the preliminary Environmental Study Report was sent to the Ministry of Natural Resources (MNR Parry Sound District office and Ontario Parks – Central Zone office). The following is a summary of the issues contained in the public comments received by the consultants for the preliminary Environmental Study Report.

There were 31 responses received on or before January 27, 2003 and 6 responses received after the due date. All letters were considered in this review. Four general categories of study participants responded: Municipalities, Environmental Groups, Community Associations and residents.

- Municipalities
    - Township of Georgian Bay
    - Township of Archipelago
- Environmental Groups
    - Partnership for Public Lands (Federation of Ontario Naturalists, CPAWS – Wildlands League, World Wildlife Fund)
- Community Associations
    - Wah Wah Taysee Association
    - 12 Mile Bay Community Association
    - Georgian Bay Association
- Residents

Township of Georgian Bay - The Township welcomed the preparation of the Environmental Study Report as a component of the review to ensure that environmental concerns are considered. The Township is of the opinion that the mitigation measures outlined in the report should be implemented as part of the proposed disposition. The Township stated that "no adverse impacts" are contingent on the implementation of mitigation measures and encourage the extent and role of the mitigation measures to be determined as part of the process. The Township understands the importance of a unified community through an amalgamated land base for the Moose Deer Point First Nation.

Township of The Archipelago - The Township indicated that the Environmental Study Report has addressed some of their concerns but has failed to meet all of them. Many of their concerns are outlined in the Georgian Bay Association submission. Their major concern is that the findings of "no adverse impacts" are contingent on the implementation of mitigation measures including the Land Use Plan, a Stewardship Council and a Notification Protocol. Although the Township has indicated that they would be in support of these initiatives, they are concerned with proceeding with the disposition without any guarantees or conditions to ensure its continued preservation. Although they are confident that the Moose Deer Point First Nation shares the same concern about protection, the Township is of the opinion that the mitigation measures outlined in the report be implemented prior to proceeding with the disposition.

Partnership for Public Lands - The Partnership for Public Lands is generally supportive of the initiatives of the Moose Deer Point First Nation and supports the development of a Stewardship Council as a potential creative model for conservation across Canada. The concerns, expressed as their suggestions, are listed below:

- Watershed boundaries should be shown
- Land use planning designations should be provided in the Environmental Study Report (e.g. Eco-tourism zone should be highly restrictive)
- Conservation easement tool for protection of natural areas
- Rules for the introduction of any new roads or utility corridors
- Proposed King Bay residential lands – consider for protection
- Rules for road maintenance within the Reserve

Wah Wah Taysee Association - This association agreed with many of the principles expressed in the Preliminary Environmental Study Report and the goals of the Moose Deer Point First Nation to consolidate but does not agree with the transfer of lands to the First Nation until an additional study is carried out. They recommend that a guarantee be provided that would demonstrate that any transferred lands would be subject to the same municipal, provincial and federal regulations as surrounding lands.

12 Mile Bay Community Association - This letter, on behalf of 103 families along the Twelve Mile Bay, raised a number of concerns including the length and timing of the review period for the report. Their other concerns are listed as follows:

- Inadequate assessment of impacts to Twelve Mile Bay residents
- Bounding of public roads by Reserve lands
- Bounding of homes by Reserve lands
- Study area too small
- Dangerous precedent to transfer parklands
- Fragmentation of natural lands with homes
- Inadequate assessment of wildlife habitat and breeding
- Expansion of the Nature Reserve not considered
- Need assurances of appropriate planning
- Inadequate assessment of Georgian Bay Islands National Park

Georgian Bay Association - This association expressed the hope that the report would move the Twelve Mile Bay and Moose Deer Point communities closer to finding a solution to the issue of the land transfer and offered their support to find a "win-win situation for all parties and the environment". They expressed concern over the hiring of a consultant by the proponent (Moose Deer Point First Nation) to comply with a Ministry of Natural Resources requirement. The association also raised the following main concerns:

- Too much onus on Moose Deer Point First Nation to meet mitigation requirements
- Support Stewardship Council but have many questions about its funding and operation
- Inadequate assessment of fishery, boat traffic and shoreline development issues
- Need enhanced mapping and offer the use of the association's satellite imagery for this purpose
- Inadequate assessment of how the proposed small community could sustain the "jobs, services and amenities that the Moose Deer Point First Nation wants"
- Hunting, trapping and snowmobiling should not be allowed on the transferred lands
- Insufficiency of a 30 meter buffer for wetlands

There were 31 submissions from residents and the following provides an overview of the concerns that were raised by both the residents and the above organizations, followed by a brief comment from the consultants (in italics) in response to those concerns. They are not listed by importance.

1. The Environmental Study Report public review process was inadequate – Many respondents were concerned that the review process and time frame for the Environmental Study Report was not sufficient to allow a proper review and response. Many people who responded felt that the response time was too short. A common concern was that the process should not have occurred during the winter when cottage associations do not meet, and especially during the Christmas holiday. Some people suggested that the process should proceed at a slower pace. A few responses indicated that it was difficult for those without a computer or access to the Internet and that hard copies should have been available. One respondent indicated that this information should have been available in 1993 at the beginning of the process. Another person wanted to have a quantitative tabulation of past public responses so that a true understanding of the public opposition/support for the undertaking can be determined.

   Comment – Forty-five days for a public review period is the required length of time used by the Ministry of Natural Resource that meets their requirements. The public review period for the Environmental Study Report was lengthened to 60 days in part to compensate for the fact that the review period occurred over the Christmas holidays. It was felt that sufficient time was provided with the deadline of January 27, 2003. Although an official extension was not granted, the comments that were received after the January 27th due date were considered in this review.

   Notification and request for comments was sent by personal mail to all participants on the O'Donnell Point mailing list, which is maintained by Ministry of Natural Resources (Ontario Parks). All parties who had previously expressed an interest in the MNR planning processes occurring at O'Donnell Point were included on that mailing list.

   The Environmental Study Report is only one document of many that will be taken into consideration during the park management planning process. There will be additional public opportunities to provide comment through the park management planning process. Everyone on the O'Donnell Point mailing list will be notified of these opportunities.

2. Disposition of lands within a designated Park sets a dangerous precedent – A few respondents felt that acceptance of the proposal would set a dangerous precedent and could possibly threaten the protection of other parks along the Georgian Bay shoreline.

   Comment –The concept of a joint effort by the Ministry of Natural Resources (Ontario Parks and MNR Parry Sound District) and a First Nation to protect the ecology of an area may be unprecedented. However, an opportunity exists to see a greater total area of natural values protected through this proposal. MNR states they are committed to protection of this ecosystem. Every request for disposition is assessed on its own merits and in accordance with current government policy. Concerns are being examined and addressed through the park planning and Crown land disposition processes that are in progress. Moose Deer Point First Nation also states they are committed to protection of this ecosystem. The Environmental Study Report's conclusions do not threaten the

protection of the area, provided adequate mitigation measures to protect the values are in place before development occurs.

3. The Environmental Study Report only reviewed existing background information and did not undertake new studies – There was a concern that new and detailed studies were not undertaken to address the specific issues.

   Comment – The scope of the Environmental Study Report did not include the ability to undertake additional detailed studies. The consultants were asked to review the existing studies to determine if additional information was necessary and how it could be obtained. The recommended mitigating measures identified the need for additional studies in many instances before development is approved.

   A very important element to this approach is that a revised Land Use Plan would provide specific standards and conditions and that a Development Review Process would ensure their implementation. The intent is that additional studies would be imposed as conditions before development approvals were granted.

   The Environmental Study Report recognized the following issues to be dealt with through a revised Land Use Plan or through additional studies that are completed prior to development of land; noise, scenic values, significant historical and cultural values, landforms, forested areas, effects of blasting, storm water management, soils, flood plain areas, sensitive habitat, ground cover, wildlife habitat, special habitat, sensitive shoreline features, aquatic fish habitat, water quality, boat and car traffic, storm water management approaches and construction mitigation options.

   Although the Environmental Study Report recommends that all of these studies be completed before any development proceeds it is important that a process or agreement on how these mitigation measures will be imposed be established before disposition occurs. As well, the Stewardship Council and the Notification Protocol are identified as important mitigation measures and these should be in place before disposition occurs.

4. Disposition of lands is premature until adequate protection and guarantee provisions are in place – A concern expressed by many respondents was that appropriate mechanisms must be established before disposition of land occurs. The underlying concern was that there are no guarantees that mitigation will occur once the land is transferred to the First Nation. There is an apparent lack of trust and faith about the ability of the First Nation to impose mitigation measures and this may be connected with a lack of awareness of their objectives or understanding of how they administer their land.

   Many respondents support the mechanisms identified in the Environmental Study Report, but all respondents need assurance that they will occur. A few respondents noted that there is an enormous onus on Moose Deer Point First Nation to fulfill the requirements of environmental impact assessments and notification and that this process will be expensive and cumbersome. Most respondents wanted more information on the following matters before disposition occurs:

   a. Stewardship Council, including appropriate funding to ensure its success.
   b. Notification protocol, including a legally binding agreement to ensure certainty of monitoring and enforcement and to ensure adherence to the proposed mitigation measures.

c. Land Use Plan and Development Review Process.
d. Appropriate level and commitment to funding for all mechanisms.
e. A mechanism that will guarantee that specific conditions are in place will be followed and monitored.
f. Require the same conditions as municipal, provincial and federal regulations that are applicable to all surrounding lands.
g. Assurances that the stakeholders and other residents will be notified of, and able to participate in decisions affecting land uses.
h. A final arbitrator of development decisions (such as the Ontario Municipal Board).
i. A method of recourse for residents to use if the First Nation Land Use Plan and building codes and conditions are not adhered to.

Comment – Disposition of land should not occur until the Development Review Process, Land Use Plan, Stewardship Council, and Notification Protocol are established, to provide reasonable assurance that mitigation measures are in place. These mechanisms will identify how and when specific studies and additional review is required before development proceeds. This process is similar to the Municipal Planning Review process involving Official Plans and Zoning By-laws, which identifies how and when development may proceed

Finding #12 (page 110) identifies that "all land use mitigation measures referred to in this Environmental Study Report should be implemented prior to development taking place and that development be monitored to ensure consistency and enforcement". Accordingly, it is intended that the identification and design of the mitigation measures will be part of the process before disposition occurs.

Finding #11 (page 110) indicates that the Moose Deer Point First Nation should continue the discussions that have been initiated with their neighbours to establish the proposed Notification Protocol. Such a protocol would allow for government to government exchanges of information with respect to environmental protection and stewardship." In order to deal with this matter, there is an immediate need for a forum for discussion on many of these matters to ensure that the needs of both the First Nation and the cottage community are appropriately addressed. Section 8.6 includes a response from the Moose Deer Point First Nation on the Environmental Study Report and highlights the activities they have initiated to date.

5. Additional detailed studies must be completed – A common concern was that the Environmental Study Report was based only on existing information and there is a need for new information to provide a demonstrated statistical foundation to deal with specific issues. Respondents believe that additional reports, prepared by qualified professionals, are needed to determine impact on environmental and social values. These studies should address the concerns of all stakeholders and should be independent of any stakeholders. Some respondents suggested that these studies should be conducted by or for the Ministry of Natural Resources and that a site-specific assessment must be completed before development occurs.

The following are the areas of concern for further study:

a. Effect of loss of Nature Reserve to all Ontario public
b. Water quality of Twelve Mile Bay
c. Native species, flora and fauna
d. Rare and Threatened species
e. Interior forest habitat
f. Special ecological features (ephemeral pools and streams)
g. Soil quality
h. Surface drainage
i. Drinking water
j. Noise pollution
k. Scenic quality
l. Quality of Life for residents on 12 Mile Bay
m. Effect on real property values and taxes in the surrounding community
n. Additional costs of infrastructure delivery such as cost and maintenance of highway, hydro
o. Effect on Georgian Bay Islands National Park.
p. Increased traffic impact on Muskoka Road 12.
q. Effect of human disturbance in and adjacent to sensitive areas.

The Georgian Bay Association also provided a copy of the report *Surface Water Quality in the Southeastern Area of Georgian Bay*, 2002 (K Schiefer) to be considered.

Comment – The scope of the Environmental Study Report provided to the consultants was to review existing information prepared by qualified experts within the scope of a conceptual land use plan. A detailed assessment of the environmental impact of the proposed development was premature because a site-specific development application was not available for review. Site-specific assessments cannot occur until the specific details of a development proposal (location, size, type) are known.

The mitigation measures are detailed in the Environmental Study Report. Prior to development or any specific project proceeding, the Environmental Study Report recommends that environmental impact studies, stormwater management and construction mitigation measures be undertaken to address those issues as identified in comment 3 above. These mitigation measures proposed are similar to those required through the municipal planning review process, which requires the identification of applicable issues and the implementation of mitigating measures before any development is approved.

An outstanding concern is whether there is a mechanism to ensure that the Land Use Plan and the Development Review process are followed. As the Environmental Study Report has indicated the Stewardship Council, Notification Protocol and a monitoring program is fundamental to ensuring that these mechanisms are implemented, maintained and adhered to.

The report provided by the Georgian Bay Association will be forwarded to Moose Deer Point First Nation and the Ministry of Natural Resources to be considered during the preparation of the detailed Land Use Plan and the Preliminary Park Management Plan.

6. Another Environmental Study Report should be prepared using a third party planning consultant.

   Comment – French Planning Services Inc., Amos Environmental + Planning and Gartner Lee Ltd. were hired to prepare an independent study based on the existing information that was available at this stage and within the scope of the terms of reference. The Ministry of Natural Resources may address this concern during the current planning process.

7. Need more information on the Status Quo and the Proposal – There is no detailed development plan to show location and layout of proposed development and to determine if growth can reasonably occur on existing lands. The lack of information has caused confusion in the local community about MDPFN's objectives and more detailed information is needed. A detailed Land Use Plan for Status Quo and the Proposal should be required. Another concern was that the First Nation has not ratified the Land Use Plan, and there is no specific project to be analyzed. The Land Use Plan could be amended outside of a public review process.

   Comment – The scope of the Environmental Study Report was to compare the potential impacts of a conceptual land use plan (the Proposal) and the Status Quo. Due to the lack of a detailed plan regarding the Status Quo, certain assumptions were made for the purposes of comparing the proposal and the Status Quo (outlined on page 10) and confirmed with the Moose Deer Point First Nation and the Ministry of Natural Resources. One of the assumptions for the Status Quo indicated that in the event of the Proposal being rejected that the Land Use Plan would have to be revisited in order to permit a higher density of development than currently exists.

   The consultants also understood that Moose Deer Point First Nation will be using the comments gained through this public review and prepare a detailed Land Use Plan for the Proposal. This detailed Land Use Plan will incorporate the supporting processes and mechanisms (mitigation measures, Stewardship Council, Notification Protocol, environmental impact studies and construction mitigation) and will be completed before the lands are disposed of. The review of the Environmental Study Report is an important step before completing a more detailed Land Use Plan for either the Proposal or the Status Quo.

8. More information about the Land Use Plan is required – The lack of a detailed Land Use Plan was a concern to many individuals, as they could not determine exactly what was being proposed or how it would be monitored. This lead to some confusion about the intent of the First Nation. Specifically, some of the matters raised included:
   a. Wider integration zone should be considered.
   b. More information on intended uses in eco tourism and environmental protection areas, as well as development standards and conditions of development are needed.
   c. The greenbelts and buffers are too narrow and are not adequate for wildlife species.
   d. The open space and green spaces are inadequate. The greenbelt is only 30 metres and this is insufficient size of area for flora and fauna
   e. The designated commercial area along District Road 12 is too large and not necessary.
   f. The impact of the residential type 2 lands has not been assessed. Even if the Land Use Plan is adhered to, the development will threaten the viability of the existing habitat for many threatened and rare species.

Comment – The scope of the Environmental Study Report did not allow the consultants to conduct a detailed critique of the conceptual Land Use Plan or to provide specific recommendations about zone categories or standards. Many of the concerns raised by the public will have to be addressed by the detailed Land Use Plan, which is one of the next steps to be completed by Moose Deer Point First Nation.

9. The requirements of the Land Use Plan and Development Review process will be too costly and cumbersome - There is a concern that the costs involved with preparing site specific environmental impact statements, and implementing mitigation measures and construction control plans will be too costly and will not be implemented.

   Comment – The preparation of site-specific assessment will be costly and time consuming. A broader based site analysis of a larger area (e.g. a residential cluster) may provide a more efficient and less expensive approach, however, this will still be a costly exercise. Comprehensive and site specific assessments are common conditions of the municipal planning process and must be included and considered.

10. Studies are required to justify the need for the expansion – Some felt that planned growth can be accommodated within existing Reserve boundaries at a higher density and it is not necessary to transfer additional lands. The amount of land to be transferred needs to be justified in terms of the actual need of the land to accommodate expected growth given that the population projections appear to be high. Business plans are required to justify growth and confirm the need for expansion.

    Comment – The scope of the Environmental Study Report did not include the requirement to justify the need for community expansion. Capital Planning studies were conducted for the Moose Deer Point First Nation and they also intend to prepare a business plan for any growth

11. The Environmental Study Report does not adequately assess the effects of the disposition on the ability to achieve and maintain Nature Reserve objectives – The Environmental Study Report appears to have focused on the ability of the First Nation to achieve their objectives and mitigate the impacts. The proposal will fragment the nature reserve and there is a need to study the feasibility of any community growth. The representation of landform vegetation units in other areas along the Georgian Bay Coast is inappropriate. There has been no assessment of the habitat needs for the rare species that exists in the Nature Reserve and no assessment of the adequacy of the new boundaries of the Nature Reserve to sustain viable breeding populations. It is possible that the boundaries of the Nature Reserve should be expanded.

    Comment – This concern makes two points: the first reflects the ability to maintain Nature Reserve objectives under the proposal and the second is that it is not appropriate to consider O'Donnell Point vegetation units along with other similar units along the Georgian Bay Coast.

    Section 4 of the report reviews the relationship of the proposal to appropriate environmental and planning policies and Section 4.1 contains our analysis showing that the proposal addresses the correct policies, which include, among others, maintaining the Nature Reserve objectives.

We acknowledge that the study scope provided to the consultants did not include detailed fieldwork to assess the concern raised but the Environmental Study Report cites a comprehensive list of studies done by MNR and others, which were adequate to support our conclusion.

Our conclusion that the proposal will protect existing conditions was guided by the following:

a) Figure 2 shows that, of the 435 hectares proposed for addition, 156 hectares are Nature Reserve lands and 279 hectares are Crown land. Concerns regarding Nature Reserve objectives are therefore focused on the 156 ha parcel, as the Crown Land does not receive Nature Reserve protection.
b) Shoreline portions of the proposal are not Nature Reserve, but are Crown Land,
c) Some areas within the existing Nature Reserve that are being requested for disposition are designated as EP (Environmental Protection), OS (Open Space), Greenbelt and Integration Areas under the proposal and Land Use Plan. These designations and their respective requirements, when implemented, will restrict land uses in order to protect the existing natural functions and attributes.
d) The remaining areas presently classified as Nature Reserve include wetlands. Our report recommends that permitted uses and restrictions be defined in a detailed land use plan to protect their existing functions and attributes.
e) The Proposal suggests a net gain in natural values (e.g. wetlands) through the designation of Eco-tourism and Protection zones in the Land Use Plan for the lands currently held in trust (area outside of the current park boundaries).
f) Alternative lands should be identified for regulation so that the Proposal will not result in a reduction of regulated protected area within the Ontario Living Legacy planning area (i.e. no net loss of regulated protected area).

Although the report makes reference to the fact that all vegetation units are represented elsewhere on the Georgian Bay coast, this fact did not form the basis of our conclusions. Section 4.2.2 provides a detailed analysis of system attributes, potential effects and mitigation measures for vegetation units, which, in our opinion, support a conclusion that the Nature Reserve features can be maintained within the study area itself.

12. Buffers are not adequate - There should be no disposition of land on Twelve Mile Bay as the recommended buffers are not large enough and residential development is too close to the bay and may cause a number of impacts. Specific comments included:
    a. The 15-metre setback for shoreline development is not appropriate.
    b. The 30-metre buffer around sensitive features and wetlands should be increased.

Comment - With respect to the shoreline setback, the draft Land Use Plan proposed a 15 m setback from the shoreline. The Preliminary Environmental Study Report proposed that the Land Use Plan should adopt management policies and design criteria to ensure the protection of shoreline characteristics including an increased setback of 30 metres for septic systems and 30 metres for all buildings and structures where minimum soil and vegetation exists. It is important to note that the Township of Georgian Bay Official Plan requires a minimum 20 metre setback for all buildings and structures and permits a lesser setback, subject to a minor variance and site plan control, where 20 metres cannot be met.

The Final Environmental Study Report was revised to state, "At a minimum all buildings and structures (excluding docks and boathouses) should be set back 20 metres from the shoreline and where minimum soil and vegetation exist the shoreline setback should be increased to 30 metres. The increased distance will allow a waterfront view but will provide for increased attenuation of storm water runoff from lawns or driveways." (page 51) As well, the Environmental Study Report proposes that an environmental impact statement should be prepared prior to development in order to identify sensitive areas and recommend additional mitigation measures.

With respect to wetlands, the Final Environmental Study Report continues to state that the general setback should not be less than 30 metres. However, it is important to note that about 90% of the wetland edge is surrounded by Open Space, Environmental Protection, Eco-Tourism, and Integration Area zones. There are only two residential areas proposed along King Bay Road adjacent to wetlands and an environmental impact statement is required to identify any additional sensitive features to recommend increased mitigation measures which, in some cases, could include a setback greater than the 30m setback. Where this occurs the larger setback would be required. The Provincial Policy Statement only requires an environmental impact assessment where development occurs within 120 metres of a Provincially Significant Wetlands. This level of protection is exceeded by the Proposal as an environmental impact assessment would be necessary prior to any development proceeding within the areas proposed for residential development.

13. Lack of consideration of cottager's values - The Proposal will significantly impact the environmental features and result in significant personal environmental and financial loss for cottagers.

Comment - The consultants reflected what they understood to be the cottagers' values in this report. At the same time, there are year round residents whose views we tried to reflect. We understand that recreational or seasonal users desire peaceful scenic qualities, natural shorelines and tranquility (as identified on page 33) as well as being concerned where changes are proposed in the areas near their seasonal homes. One of the considerations in this regard was that a well-planned expansion to the existing year round community, to be undertaken gradually over time was believed to be preferable to ad hoc changes. The addition of 2-3 homes per year, most of which will be inland of the Twelve Mile Bay area, will reflect incremental growth and not sudden changes to the landscape or dramatically affect the enjoyment of the Bay by all the residents. In comparison to the amount of cottage development that already occurs in the Bay, this change to the community shoreline will be limited.

14. Cottagers on Twelve Mile Bay do not agree with the statement that the "Proposal represents those lands which all parties find acceptable" – Many of the residents felt that this was an untrue statement because they were never consulted and not party to the definition of the proposal lands.

Comment – Before the request for disposition was made public, the parties that were involved in the identification of the lands included Ministry of Natural Resources (MNR Parry Sound District and Ontario Parks), Indian and Northern Affairs Canada, and Moose Deer Point First Nation (Conclusion #3). The cottagers were not considered to be parties to this process. Comments of the residents of Twelve Mile Bay are important and will be considered as part of the Preliminary Park Management Plan.

15. Increase in protected area – The assumption that the increase in area to be protected is inappropriate, as the Moose Deer Point First Nation is not obligated to follow through with their promises to protect the environment. It was noted that protection under the Nature Reserve status does not equal protection under First Nation administration. The proposal allows snowmobiling, hunting, trapping and roads, and Nature Reserve status has more stringent requirements.

Comment –The O'Donnell Point Background Information, Issues and Options Paper, prepared by Ontario Parks, states that if the "tentative proposal is approved, there would be a net gain in the overall area protected (approximately 18% - 32%), because a larger area of the sensitive ecosystem (including lands currently owned by Moose Deer Point) would be protected through the Land Use Plan and the stewardship of Moose Deer Point First Nation. A significant level of protection would be provided, because the federal Environmental Assessment Act would apply to any changes to the Land Use Plan". This was not an assumption, it was a conclusion reached by Parks Ontario.

We recognize that some areas of the proposal may lose some of the protection currently afforded under the Nature Reserve designation but note that the Land Use Plan provides for specific site assessment and mitigation measures, which will help to protect the Nature Reserve functions. Our overall analysis includes the large (160 hectares) block of land, which currently has limited protection through the Township of Georgian Bay Zoning By-law, but will be brought under the protection of the Land Use Plan as a result of the proposal. The lands are currently zoned Environmental Protection and Open Space and the Township Zoning By-law allows the following permitted uses in an Open Space Zone: conservation of land and water, passive outdoor recreation, public parks and accessory structures and private parks. Private parks are defined to include "An open space or recreational area, other than a public park, operated on a commercial and/or private member basis, and which includes one or more of the following facilities or activities;

a) Areas for walking, riding and cross country skiing, snowmobiling: but does not include the racing of animals, motor vehicles, motor cycles or (the racing of) snowmobiles;
b) Accessory recreational or playground areas such as picnic area, tennis courts, lawn bowling greens outdoor skating rinks, athletic fields;
c) An accessory club house or storage building of a maximum of 75 sq m; and
d) Parking lots accessory to the foregoing."

The protection afforded to this block will be increased when the Land Use Plan is implemented and enforced. We recognize that there is no guaranteed obligation that the Moose Deer Point First Nation "follow through with their promises to protect the environment" but note that a) the current status of the Nature Reserve lands reflect decades of interaction with Moose Deer Point First Nation and b) the Moose Deer Point First Nation have developed a Land Use Plan, which makes a strong commitment to environmental stewardship and protection.

In addition to this consideration, the Ministry of Natural Resources should identify appropriate lands for future regulation as Park lands in lieu of the Park lands being requested for disposition to ensure no net loss of Park lands

16. Environmental Study Report is not an Environmental Assessment

Comment – The Environmental Study Report is not an Environment Assessment, instead it is an Environmental Study Report that is prepared in accordance with the Ministry of Natural Resources Exemption Orders pursuant to the Environmental Assessment Act.

As stated in the Background Section on pages 2 and 3, the Environmental Study Report follows the objectives as set out in the Ministry of Natural Resources' Guidelines for the Preparation of Implementation Plans for the preparation of an Environmental Study Report (PM 11.03.01). This report is also consistent with the provisions of the Ministry of Environment's Environmental Assessment Act Exemption Orders 59/2 and 26/7. Results of this Environmental Study Report will be evaluated as part of the combined park management planning process and process for the potential disposition of Crown lands.

17. The 160-hectare parcel of land purchased by the First Nation should have been disclosed earlier in the process.

Comment – The 160 hectare parcel of land was purchased privately by the Moose Deer Point First Nation band and was not transferred to the Federal government or to the First Nation by the Ministry of Natural Resources. Since this was a private transaction that did not involve publicly owned lands, no public notice was required. The Government of Canada is considering adding these lands to the Reserve in a separate process called "Addition to Reserve". This 160-hectare parcel will be subject to the requirements of the detailed Land Use Plan, the Stewardship Council and the Notification Protocol.

Figures 2 and 3 in the Preliminary Environmental Study Report correctly identify this parcel as being comprised of 160 hectares, and Section 2 (page 4) incorrectly identifies the area to be 160 acres. This was corrected in the Final Environmental Study Report.

18. The Final Environmental Study Report should incorporate information on the watershed boundaries on the subject lands and provide lot and concession numbers on the maps.

Comment – A map of the approximate watershed boundaries and the lot and concession numbers have been added to the Final Environmental Study Report.

19. The proposal alienates or isolates property owners – The property owner of Lot 2, Plan M461 has indicated that they have had historical use of the Crown land and shoreline in Lots 54/55, Con 9. Other comments were provided that the proposal will alienate and isolate private properties, roads and road allowances because they will be completely surrounded by the proposal.

Comment - The Ministry of Natural Resources has been notified of these concerns and will consider them before a decision on the disposition is made. All shoreline properties will still maintain water frontage on Twelve Mile Bay, where the lakebed is Crown and is maintained by the Ministry of Natural Resources, and road frontage, which will be owned by the Township of Georgian Bay.

20. Only two alternatives were reviewed - The Environmental Study Report should have reviewed more than two alternatives to determine if other options for community expansion and growth were appropriate. Three suggestions for alternate lands include:
    a. Closer to highway 400 extension,
    b. The interior areas along the road between King Bay and Gordon Bay,
    c. May need some adjustments to the boundaries.

    Comment – Moose Deer Point, Indian and Northern Affairs, and Ministry of Natural Resources (MNR Parry Sound District and Ontario Parks) engaged in a lengthy process to identify lands, which the aforementioned parties found acceptable for further consideration. Moose Deer Point has requested these lands for disposition. Consideration is being given to this request through the park management planning process and Crown land disposition process that are in progress. Rather than examine alternate lands, the terms of reference for the Environmental Study Report focused on the assessment of the Proposal and the Status Quo.

    We do note, however, that the area near the intersection of Twelve Mile Bay Road and Highway 400 is currently subject to a land claim by the Wahta Mohawk. This site would not satisfy the social objective of the Moose Deer Point First Nation to connect their three separate parcels. With respect to the interior lands, there is only a small area along the road between King Bay and Gordon Bay that may be developed and this area will be zoned for residential use. The remaining area is a sensitive wetland that the Moose Deer Point First Nation wants to preserve.

    On the question of the consideration of additional or alternative lands being considered, the Ministry of Natural Resources may address this concern in their planning processes.

21. Population projections are inadequate - There has been no formal study on the population projections referenced to in the Environmental Study Report and there is a need to confirm them

    Comment – Two existing population studies were provided to the consultant for review, however, these studies were not identified in the report or in the Reference section of the Preliminary Environmental Study Report. These studies are identified in the Final Environmental Study Report in the References section on page 111.

22. Statements that the Status Quo may impact environmentally sensitive areas contradict the vision statement of the First Nation for the Proposal. – The "Status Quo essentially allows for development on environmentally sensitive areas since the existing MDP lands remain insufficient for the needs of the community". This statement contradicts the First Nation Vision "to act as stewards and custodians of the land and natural environment".

    Comment - Like many of the cottagers and the residents in the surrounding areas, the Moose Deer Point First Nation live in single-family homes, in clusters with extended families. This small to medium sized cluster development is a pattern that they wish to continue. While growth and expansion on the Reserve is inevitable, it is the goal of the Moose Deer Point First Nation to avoid any development on environmentally sensitive lands but they recognize that there is an increased challenge to do so on a constrained land base. The goal is to develop a plan for the community so that this can be avoided.

23. The sense of separation that currently exists between the three existing First Nation Reserves can be dealt with through other means – There were suggestions that the sense of separation that currently exists can be dealt with through connecting roads and telephones, and increased densities on existing sites.

    Comment - These services already exist within the community and they do not satisfy the need to create one community that is connected by land.

24. Cottagers want the opportunity to purchase the lands to be transferred - Shoreline area along Twelve Mile Bay does not benefit First Nation as a whole, but would only benefit a select few who will live along the shoreline. Shoreline area would not connect communities between the reserves and some residents would like an opportunity to purchase.

    Comment – The Great Lakes Heritage Coast strategy indicates that within the Great Lakes Coastal Areas "Crown lands should not be sold for cottaging development and substantial new road access should be discouraged. [The] retention of Crown land shall not preclude current and future First Nation discussions regarding land base for Reserves". Purchase of these lands by private individuals is not an option. All lands within the Reserve are held in common ownership and for the benefit of all members of the community.

25. Study area has been too narrowly defined – The study area should be increased to include Indian Harbour to the south and the Moon River basin to the north. This area will be impacted by significant marina expansion.

    Comment – The Ministry of Natural Resources, Ontario Parks, INAC and the Moose Deer Point First Nation were all involved in identifying the scope of the study area, which was agreed upon for the purposes of the environmental study report. In regards to marina expansion, it is currently unknown whether and/or what types of marina expansion may occur at some point in the future. In the future, if Moose Deer Point identifies a proposal for significant marina expansion, potential effects should be considered at that time.

26. Full servicing (water and wastewater) is presumptuous due to poor soil characteristics. Full servicing will be expensive due to poor soil characteristics and may have an adverse impact on 12 Mile Bay.

    Comment - Improvements to the existing septic systems and communal water supply are key to the improvement of the quality of life on Moose Deer Point. Centralized collection and modern treatment of wastewater will have the potential to enhance the environment in the study area. Upon the resolution of the additions to reserve process, the Moose Deer Point First Nation will undertake the appropriate environmental studies to provide water and wastewater service to the community, funded by the federal government.

27. Environmental Study Report is preliminary and should be discarded -

Comment – The intent of the Preliminary Environmental Study Report was to obtain public comment before it was finalized. It was important to provide opportunities for input by the public and all stakeholders before finalizing this report.

28. Loss of shoreline - Some respondents noted that the shoreline of the nature reserve should not be developed.

Comment: There are only limited new areas in the Proposal for development along the Twelve Mile Bay shoreline and these are located in already built up areas. On page 37 of the preliminary Environmental Study Report it clarified that the only portion of the Nature Reserve that is located adjacent to Twelve Mile Bay is in the eastern half of lot 58, Concession 10. In this location, Ministry of Natural Resources will retain a 20-metre strip of land. In addition, a 30-metre strip adjacent to the Ministry of Natural Resources 20 metre strip will be placed in an Integration Area zone, which prohibits any structural development. The remaining shoreline areas under consideration for a transfer are outside of the Nature Reserve and are located around Gordon Bay and the municipal dock. These shoreline areas will be approximately 50% Open Space zone, which also prohibits structural development. As well, according to the conceptual Land Use Plan, shoreline density will not exceed one residence for every 120 metres (400 ft.) of shoreline.

8.6 First Nations Response to the Preliminary Environmental Study Report

In response to the Preliminary Environmental Study Report, the Moose Deer Point First Nation provided the following comments.

"Moose Deer Point First Nation was asked by Ontario Parks to undertake an Environmental Study Report so that they could use the findings in their Park Management Planning process. We have reviewed the Report and would like to apprise French Planning Services Inc. of undertakings by the First Nation that may relate to the recommendations of this study. Many of these activities have been in discussion since before the Preliminary Environmental Study Report, and have now been actualized.

1. First Nation Land Management Act (FNLMA) – Moose Deer Point First Nation will become a signatory to this legislation on March 31, 2003.

2. Notification Protocol – Moose Deer Point First Nation, INAC, MNR, Ontario Parks, District of Muskoka, Township of Georgian Bay, and Township of The Archipelago have met several times and have drafted a protocol by which all signatories will notify one another of any activities mutually identified as important to the ecosystem of the O'Donnell Point area.

3. Land Use Plan – revised based on the recommendations provided in the Environmental Study Report and was further reviewed and edited according to the needs of the community and conservation planning principles. These revisions included the development of an administrative regime suited to Moose Deer Point First Nation decision-making processes.

4. Ecosystem Protection Group – Moose Deer Point First Nation has held one meeting of representatives of groups with immediate interest in the ecosystem of the O'Donnell Point area to begin development of a forum to discuss activities of mutual interest in the continued protection of this valuable resource.

All of these activities have been part of the continued interest of Moose Deer Point First Nation to ensure that the community of people and nature continue to exist in harmony for generations to come."

Source: *Final Environmental Study Report* – French Planning Services Inc., Amos Environment + Planning, Gartner Lee Ltd. (2003) (pages 87-108)

Appendix B: Excerpts from *An Ecological Assessment of a Proposed Boundary Revision at O'Donnell Point Provincial Nature Reserve*

Executive Summary

Moose Deer Point First Nation has requested boundary revisions (i.e., removal) of three parcels of regulated park land, totaling 156 ha, that are currently part of the 875 ha O'Donnell Point Provincial Nature Reserve. Ontario Parks has identified an approximately equal area of Crown land suitable for addition to the nature reserve, so there would be no net loss of regulated park land. Based on a review of available information and recent reconnaissance field surveys, this report assesses the ecologic values of these four parcels of land, which may be considered for boundary revisions in the O'Donnell Point Provincial Nature Reserve preliminary park management plan.

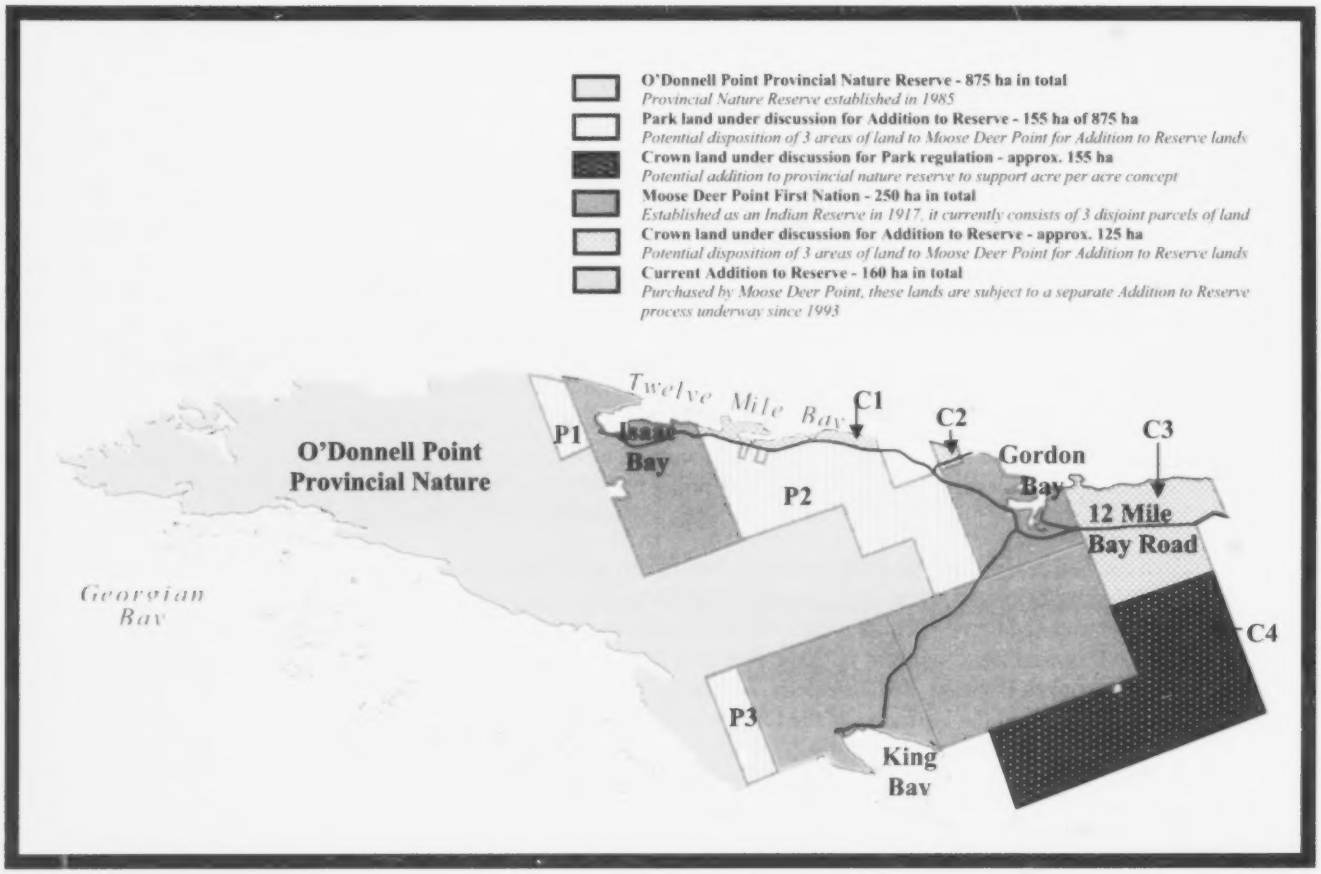
The entire study area is in Biophysiographic Unit VIIa-7, which is weakly broken bare bedrock plain, with scattered organic deposits. On mesic sites, the forested portions of the parcels under consideration have mixed mature stands of Eastern Hemlock and Yellow Birch. Eastern White Cedar is a common associate in riparian and lakeshore habitats, which are relatively rare. On drier sites, mixed stands of Red Oak and Eastern White Pine are typical. Open and shrub rock barrens are scattered throughout the parcels and several wetlands and small streams are present.

The provincially rare Billing's Three-seeded Sedge, Eastern Massasauga Rattlesnake and Virginia Chain Fern Open Bog Ecosite Type were found on lands being considered for removal from the nature reserve. Suitable habitat for several other rare species known to occur in the O'Donnell Point area is present on the four parcels of land being considered for boundary revisions. Should the potential nature reserve boundary revisions proceed, benefits would vary with individual species and communities. Since most of the rare species in the area are dependent on wetlands the predicted increase in this habitat type may provide an overall net benefit to the nature reserve. The only active Great Blue Heron rookery known in the study area is on the Crown land that may be added to the nature reserve.

O'Donnell Point Provincial Nature Reserve would become more fragmented because the Crown land area identified for addition to nature reserve is not adjacent to it. If development occurred on the lands between the proposed and existing blocks of the nature reserve the genetic, species and nutrient movements would be negatively impacted. Also, Westwind Forest Stewardship Inc. has identified lands in and adjacent to the Crown land parcel as an optional harvest area. The potential boundary revisions will increase the perimeter to area ratio of the nature reserve and, if not managed appropriately, increase the possibility of incompatible land uses occurring adjacent to the nature reserve.

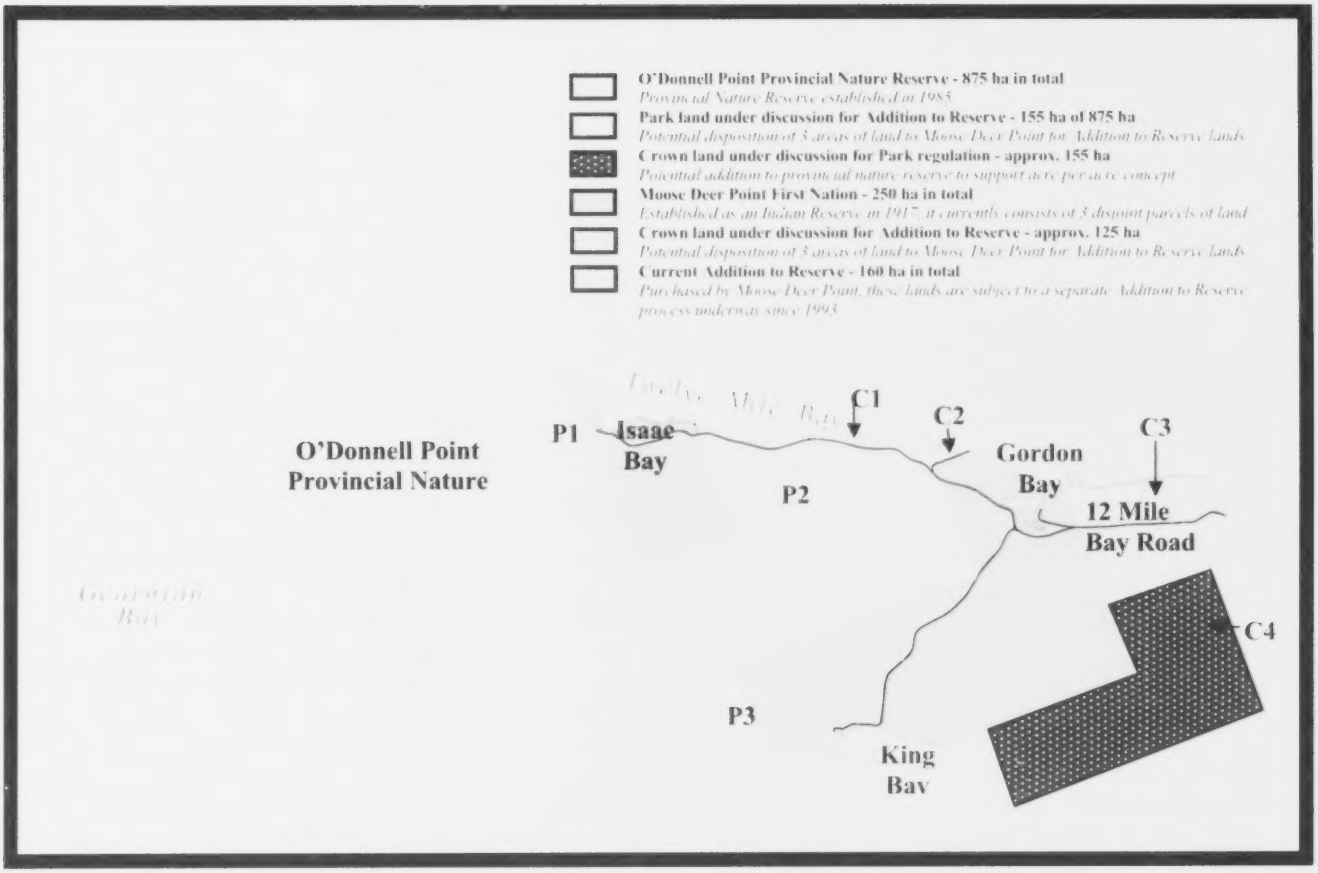
In summary, there are many potential positive and negative impacts on the ecologic values of O'Donnell Point Provincial Nature Reserve, should the potential boundary revisions proceed. Based on the information available, it appears that the natural values of the lands under discussion are approximately equal. If lands surrounding the proposed Crown land addition are managed primarily for their ecologic values, the protection function of the nature reserve would likely be enhanced.

Proposed Land Tenure at O'Donnell Point


O'Donnell Point Provincial Nature Reserve - 875 ha in total
Provincial Nature Reserve established in 1985
Park land under discussion for Addition to Reserve - 155 ha of 875 ha
Potential disposition of 3 areas of land to Moose Deer Point for Addition to Reserve lands
Crown land under discussion for Park regulation - approx. 155 ha
Potential addition to provincial nature reserve to support acre per acre concept
Moose Deer Point First Nation - 250 ha in total
Established as an Indian Reserve in 1917, it currently consists of 3 disjoint parcels of land
Crown land under discussion for Addition to Reserve - approx. 125 ha
Potential disposition of 3 areas of land to Moose Deer Point for Addition to Reserve lands
Current Addition to Reserve - 160 ha in total
Purchased by Moose Deer Point, these lands are subject to a separate Addition to Reserve process underway since 1993
Twelve Mile Bay
C1
C2
C3
C4
P1
P2
P3
Isaac Bay
Gordon Bay
12 Mile Bay Road
King Bay
O'Donnell Point Provincial Nature
Georgian Bay

Source: *An Ecological Assessment of a Proposed Boundary Revision at O'Donnell Point Provincial Nature Reserve* – Ontario Parks (2003)

Proposed Land Tenure at O'Donnell Point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O'Donnell Point Provincial Nature
P1
Isaac Bay
C1
C2
C3
Gordon Bay
P2
12 Mile Bay Road
C4
P3
King Bay

Source: *An Ecological Assessment of a Proposed Boundary Revision at O'Donnell Point Provincial Nature Reserve* – Ontario Parks (2003)

Appendix C: Major Findings of the *Final Environmental Study Report*

Please note: Some terminology and dates have been revised since the publication of the report.

The following provides a summary of the major findings of the *Final Environmental Study Report*:

1. The Ministry of Natural Resources is conducting the O'Donnell Point Provincial Park management planning process and the land disposition planning process simultaneously. Through these procedures the Ministry of Natural Resources will make a recommendation regarding the disposition of the Nature Reserve and Crown lands. This report is to provide input into that decision-making process.

2. Moose Deer Point First Nation currently own 160 hectares of private land located on Lots 50, 51, 52 and 53 Concession 7. These lands are subject to a separate Addition to Reserve process that has been underway since 1993 and will continue to proceed regardless of the selected alternative.

3. The Proposal is to add 435 hectares of land from the O'Donnell Point Provincial Nature Reserve and Crown lands to Moose Deer Point Reserve. The lands specified in the Proposal were identified through a collaborative approach including studies of the area and lengthy negotiations between Moose Deer Point First Nation, Indian and Northern Affairs Canada and the Ministry of Natural Resources (Ontario Parks and Parry Sound District).

4. The Status Quo essentially allows for development on environmentally sensitive areas since the existing Moose Deer Point Reserve lands remain insufficient for the needs of the community.

5. Both the Status Quo and the Proposal were considered in respect of their consistency with various federal, provincial and municipal policies. The Status Quo and the Proposal are consistent with goals and objectives of Ontario Parks and O'Donnell Point Provincial Nature Reserve. Both the Status Quo and the Proposal are consistent with the intent of the Ontario Living Legacy Land Use Strategy, and the Great Lakes Heritage Coast strategy, due to the commitment made by Ministry of Natural Resources prior to the initiation of the Ontario Living Legacy program. The Proposal indicates greater consistency with the Ontario Aboriginal Policy Framework and Ministry of Natural Resources Statement of Environmental Values than the Status Quo.

6. The Proposal would provide sufficient lands to promote the economic growth and social development of the Moose Deer Point First Nation while ensuring the protection of ecological features and functions of the lands. There would be a net gain in the overall lands protected, because a larger area of the sensitive ecosystem (including lands currently owned by Moose Deer Point) would be protected through the Moose Deer Point First Nation Land Use Plan.

7. By establishing this long awaited connection among the three separate Moose Deer Point Reserve parcels, the Proposal would reduce the existing sense of separation felt by the members of the community.

8. The Moose Deer Point First Nation Sustainable Community Plan provides an appropriate conceptual approach for lands to be developed and protected. The Moose Deer Point First Nation Land Use Plan identifies appropriate areas for development and environmental protection. The current draft of the Land Use Plan should be enhanced by establishing a development review process as outlined in this Environmental Study Report.

9. The ecological values of O'Donnell Point Provincial Nature Reserve should not be adversely affected by the Proposal should the proposed mitigation measures be applied. The three portions of Provincial Nature Reserve requested for disposition contain a total of nine landform vegetation units. These nine landform vegetation units are found all along the Georgian Bay coast. It is clear that each of the vegetation landform unit is represented in other regulated and proposed protected areas in Ecological Site District 5E7.

10. The Moose Deer First Nation should undertake discussions with a wide range of parties in the study area to establish the proposed O'Donnell Point Ecosystem Protection Agreement and Stewardship Council.

11. The Moose Deer Point First Nation should continue the discussions that have been initiated with their neighbours to establish the proposed Notification Protocol. Such a protocol would allow for government to government exchanges of information with respect to environmental protection and stewardship. In the case of the Status Quo, Moose Deer Point First Nation will reconsider its participation in the Notification Protocol.

12. All land use mitigation measures referred to in this Environmental Study Report should be implemented prior to development taking place and that development be monitored to ensure consistency and enforcement.

13. The Development Review Process, Land Use Plan, Stewardship Council and Notification Protocol should be established prior to disposition to provide reasonable assurance that the mitigation measures are in place. These mechanisms will identify how and when specific studies and additional review are required before any development proceeds.

Source: *Final Environmental Study Report* – French Planning Services Inc., Amos Environment + Planning, Gartner Lee Ltd. (2003) (pages 109-110)

Appendix D: Implementation, Mitigation and Monitoring Sections from the *Final Environmental Study Report (2003)*

Please note: Some terminology and dates have been revised since the publication of the report.

Section 6 – Implementation Details

Section 6.1 - Implementation of the Alternatives will identify and describe the requirements for implementing the Status Quo and the Proposal including; timing, approvals, next steps and associated community activities.

Section 6.2 - Implementation of Mitigation Measures will provide more details on the Stewardship Council, Notification Protocol, Moose Deer Point Land Use Plan, the development review process, as well as additional mitigation measures that are proposed from Section 4.

6.1 Implementation of the Alternatives

Following the completion of this Environmental Study Report, the Ministry of Natural Resources (Ontario Parks) will complete the Preliminary Park Management Plan for O'Donnell Point and host an open house. The Preliminary Park Management Plan will present a proposed decision on the disposition of the Provincial Nature Reserve lands.

A final version of the Park Management Plan is scheduled for completion in 2003. The timeline is tentative and a letter will be sent to everyone on the mailing list to indicate the specific details. The Ministry of Natural Resources will then make a final recommendation to accept or reject the proposed Nature Reserve boundary change and the Crown land disposition. Further, it is the intent of Ministry of Natural Resources that the O'Donnell Point Provincial Nature Reserve management planning process and the Ontario Ministry of Natural Resources Crown land disposition planning process occur simultaneously. This process ensures that both decisions are handled by the more stringent of the two possible approval processes, that is, the provisions in Exemption Order 59/2.

When the Recommended Park Management Plan is presented for public review, concerned parties may request an appeal. In accordance with subsection 3(2) of the Provincial Parks Act, a change to a park boundary requires an approval by Order in Council (i.e., Cabinet order). If the proposed addition to the Reserve is rejected, the Ministry of Natural Resources would have no further steps in respect to the proposed disposition.

6.1.1 Status Quo Implementation

Upon a final decision rejecting the Proposal, Indian and Northern Affairs Canada would not proceed with the Additions to Reserve process and the First Nation advise that they will return to the negotiating table with Ontario Parks to initiate new discussions about alternatives to obtain additional lands.

Moose Deer Point First Nation will also initiate an amendment to the Land Use Plan to accommodate the anticipated growth on the restricted land base. The current Capital Planning Study would proceed as scheduled. The Stewardship Council process would be finalized and implemented. The Notification Protocol would be revisited before it is finalized and implemented.

Moose Deer Point First Nation indicates that two to three houses are built per year on average based on the funding formula applied by Indian and Northern Affairs Canada. This rate of residential development would continue until such time as changes to funding and governance provisions are altered to allow for individuals to reliably obtain personal financing to build their own home. Community and individual financing are also possibilities for funding of new homes, however, it is not anticipated that the number of persons in the community would exceed 500 by the year 2022 at the anticipated growth rate of 5% per year.

6.1.2 Proposal Implementation

It is expected that a decision on the Proposal will take many months, or possibly more than a year to complete. While the Additions to Reserve process for the lands privately held by the community has been formally under consideration for about ten years, it is hoped that the process for the Proposal will be completed as soon as possible.

There are a significant number of steps to be completed prior to any lands being transferred. The approval process for the "Additions to Reserve" policy is set out in a draft policy bulletin issued by Indian and Northern Affairs Canada, dated September 2001. This policy establishes the following general steps:

- Regional Director General, Indian and Northern Affairs Canada would grant approval in principle to consider the Addition to Reserve (with or without conditions) usually with input from the Regional Additions to Reserve Committee.
- Environmental impact statement in accordance with the Canadian Environmental Assessment Act.
- Environmental Site Assessment including an analysis of the property for environmental quality and potential for on site and off site impacts.
- Land survey and all land transactions.
- Preparation of a submission to the Minister of Indian and Northern Affairs.
- Draft Order-in-Council to the Privy Council for review and approval by Governor in Council (Cabinet).
- If approved, land is registered in Indian Lands Registry.

Moose Deer Point First Nation will consider the findings of the Final Environmental Study Report and the conditions of transferring the proposed lands, which could include revising the Land Use Plan and ratification by the community and the creation of a development approval process, among other matters.

The Stewardship Council and the Notification Protocol could be finalized and implemented. A revised Moose Deer Point First Nation Capital Planning Study, which would include the additional lands would not be completed until after the additions to Reserve process is concluded.

Moose Deer Point First Nation indicate that two to three houses are built per year on average based on the funding formula applied by Indian and Northern Affairs Canada. This rate of residential development would continue until such time as changes to funding and governance provisions are altered to allow for individuals to reliably obtain personal financing to build their own home. Community and individual financing are also possibilities for funding of new homes, however, it is not anticipated that the number of persons in the community would exceed 500 by the year 2022 at the anticipated growth rate of 5% per year.

6.2 Implementation of Mitigation Measures

As a result of the analysis in Section 4, methods of mitigating potential negative effects of community growth were identified. This Section will highlight the following proposed mitigation measures:

- O'Donnell Point Ecosystem Protection Agreement and Stewardship Council
- Notification Protocol
- Land use planning and development review process (e.g., environmental impact statements)

It is important to note that these proposed mitigation measures would supplement the measures that are already in place, which include the following:

- Federal government regulation over use of the land within the boundaries of the Moose Deer Point Reserve
- Canadian Environmental Assessment Act which applies to federal projects on the land within the boundaries of the Moose Deer Point Reserve including servicing projects and any new commercial ventures
- Capital planning process whereby the federal government reviews Capital Plans for the Moose Deer Point First Nation community at regular intervals and provides funding for housing and servicing based on established formulas for the land within the boundaries of the Moose Deer Point Reserve
- Direct involvement of the community planner, building inspector, engineer and septic inspector in new development proposals within the Moose Deer Point Reserve

In the examination of the environmental features, it was also noted that neighbouring residents are worried about the potential impacts of proposed development on the natural environment and to the cottagers' community. From comments received from the adjacent landowners and concerned members of the public, it is understood that these residents would like timely and comprehensive information about development proposals at the Moose Deer Point First Nation. The Stewardship Council and Notification Protocol are described in greater detail in the following sections and would help to address these information needs.

6.2.1 O'Donnell Point Ecosystem Protection Agreement and Stewardship Council

The Moose Deer Point First Nation held discussions with the Partnership for Public Lands about future land stewardship. The Partnership for Public Lands represents the Federation of Ontario Naturalists,

Wildlands League, Earth Roots[1] and World Wildlife Fund Canada. Through these discussions, the Moose Deer Point First Nation have identified a broad range of affected parties who may have an interest in the protection and stewardship of O'Donnell Point. In particular, many of these parties are interested in the potential effects of development, which may take place on Moose Deer Point Reserve and the surrounding Crown and private lands.

The purpose of the Stewardship Council is to ensure the long-term conservation and protection of important natural areas, especially wetlands and shorelines and the diversity of wildlife species indigenous to the O'Donnell ecosystem while allowing the Moose Deer Point First Nation to develop a new economic future for the community. Prior to hosting broader discussions, the Moose Deer Point First Nation and the Partnership for Public Lands have prepared some basic principles as follows:

- No net loss of provincial parkland;
- Net increase in protected areas; and,
- A guarantee that development on lands transferred to the Moose Deer Point First Nation will meet municipal standards applied to private landowners elsewhere.

The Stewardship Council would be empowered by an agreement, which would be prepared and signed by all parties. This agreement would authorize the Stewardship Council to elect a chair from the members and adopt a decision-making protocol. It is envisioned that the Stewardship Council would make recommendations regarding land and water conservation practices to landowners including private individuals, the Province and/or Moose Deer Point First Nation.

Representation on the Stewardship Council could include:

- Moose Deer Point First Nation
- The Government of Canada
- Government of Ontario
- Township of Georgian Bay
- Township of the Archipelago
- District of Muskoka
- Partnership for Public Lands (Federation of Ontario Naturalists, Wildlands League, Earth Roots[2] and World Wildlife Fund Canada)
- Local stakeholders – cottagers, business and landowners

If the Proposal is approved, the Moose Deer Point First Nation is prepared to meet with the federal, provincial and municipal governments, Partnership for Public Lands, local landowners, business owners and cottagers to further this initiative.

6.2.2 Notification Protocol

Historically, communications between First Nations and neighbouring municipalities have been infrequent and informal. Two separate administrative systems for funding, planning, and development have reduced the need to share information and unfortunately, minimized the opportunity to understand

[1]Please note that Earth Roots was mistakenly cited in the Final ESR as a partner of the Partnership for Public Lands.
[2] Please note that Earth Roots was mistakenly cited in the Final ESR as a partner of the Partnership for Public Lands.

each other's administrative system. In some jurisdictions, communities are working to share information through the development of Notification Protocols. For example in the Grand River watershed (1996) a Notification Agreement was signed by two First Nations, nine municipalities, the conservation authority, the province and the federal government. This agreement can be used as an example for other communities who share ecosystems divided across jurisdictional boundaries.

A Notification Protocol would provide for government-to-government sharing of information. Specific information related to development or land management activities that may affect the ecosystem would be shared amongst parties in a timely manner to allow comment and input. The parties to the agreement would specify the type of information to be shared, the method of notification and the proposed access to the information received as a result of the notification. As part of this process, the parties would also consider the need for meetings to implement and maintain the Notification Protocol. As well, the Notification Protocol could provide for referrals to the Stewardship Council.

The Moose Deer Point First Nation is currently meeting with the federal, provincial and municipal governments to further this initiative. First Nation participation in this Protocol will be reconsidered if the Proposal is not approved.

6.2.3 Land Use Planning and Development Review Process

Section 5 – Evaluation, addressed the need for improvements to the Land Use Plan and the establishment of a development review process. In summary, it is recommended that Moose Deer Point First Nation continue with the completion of the second and third phases of their land use planning process that was initiated with the Sustainable Community Plan in 1998. It is recommended that the third phase should result in a development review process for the Moose Deer Point First Nation.

There are many distinguishing features of the Land Use Plan. For example, the Plan calls for buildings that "demonstrate design principles that are complementary to the natural environment". The Plan calls for "all buildings, signs, storage facilities and other uses to meet community standards for culturally and environmentally appropriate appearance". The Plan also encourages the "sensitive use of environmentally friendly technologies, alternative energy sources, energy efficient design, and humane design principles". Creating a community-based development review process, unique to the Moose Deer Point First Nation community, will ensure that these objectives are achieved.

The Land Use Plan provides the conceptual plan that the community will use to define general land uses and the establishment of a development review process will ensure that the goals of sustainable development can be accomplished. The development review process provides the First Nation with the ability to assess the impacts of specific development proposals and impose mitigating measures where appropriate (such as storm water management, construction mitigation plans, site design, and building location and design).

Section 7 – Mitigation, Monitoring and Information Needs

This Section provides a summary of the mitigation, monitoring and information needs that were discussed in this document. These mitigation, monitoring and information would apply to both the Status Quo and the Proposal, unless otherwise specified.

7.1 Mitigation

In the examination of the social, terrestrial, aquatic, and land use features, a number of suggestions were made for the implementation of mitigation measures related to the preparation of three new mechanisms: Stewardship Council, Notification Protocol and a land use planning and development review process. These are described in more detail in Section 6, Implementation. The other mitigation measures are described in this section with respect to the variables that may be affected. Please note, not all the variables identified in Section 4 have a recommended mitigation measure.

Social Environment

Cultural Perspectives - The First Nation development review process, the Stewardship Council and Notification Protocol will enhance the participation of all residents in the O'Donnell Point area and allow them to monitor decisions related to development and resource uses. These mitigation measures could enhance cultural understanding amongst all parties while addressing shared objectives of environmental stewardship.

Noise - To reduce potential noise impacts it is recommend that the Land Use Plan could include criteria to assess noise impacts of new development, and management policies prohibiting land use activities that generate high volumes. The development review process should require the preparation of studies to mitigate potential impacts related to noise. For example a noise abatement report could be requested to identify potential sources of noise, and recommend measures to mitigate noise (e.g., no outside activity, increased insulation, hours of operation, buffers). The Notification Protocol could include a provision to notify other governments of a change in land use or when a development application has the potential to result in increased noise pollution.

Scenic Quality - The Land Use Plan should include measures to limit the height, bulk and location of buildings and structures along shoreline areas. As well, the height of buildings and structures should not extend beyond the tree line, especially on heights of land. The Land Use Plan should adopt management policies and design criteria for buildings and structures to ensure that they maintain the scenic quality along shorelines and heights of land.

Cultural and Historical Features - It is recommended that the Moose Deer Point First Nation conduct a preliminary reconnaissance survey to identify heritage and cultural features and to recommend mitigation approaches for areas identified for development in the Land Use Plan.

Terrestrial Environment

Topography and Landforms - Wetlands, in either scenario should continue to be zoned for no development. Future development proposed in areas adjacent to wetlands should require a minimum 30 metre buffer. All landforms, which are identified as being sensitive to development, can be protected through the requirement of site-specific environmental impact statements, which could recommend an increased setback from wetlands. An environmental impact statement could identify the site-specific location of sensitive landform features and recommend site-specific mitigation measures to ensure their protection.

The forested areas, if developed, should be developed in ways that reduce the potential for impact, such as requiring minimal clearing, low density, wide separation distances, promotion of good stewardship to keep manicured landscaping to a minimum.

Geology - Little or no mitigation is required as any major effect to this feature would be through extensive blasting, which is not anticipated within any of the proposed development. This can be managed through site-specific environmental impact statements.

Surface Drainage - New development proposed adjacent to wetlands should have a minimum 30 metre buffer, and the Land Use Plan should adopt management policies and design criteria to ensure the surface drainage is not altered. The development review process should require the preparation of a storm water management plan for major development to mitigate potential impacts on stormwater runoff during and after construction. Stormwater management facilities associated with future residential, commercial and industrial development should be designed and constructed, using best management practices.

Soil Type and Texture - The Land Use Plan should continue to ensure no structural development in areas of thin soils and rocky ridges. The development review process should require the preparation of studies, where necessary, to provide a preliminary evaluation of a development site to ensure the proper location of individual wastewater (septic) facilities.

Erosion and other Hazard Lands - The Land Use Plan should include flood maps showing elevations to ensure no buildings and structures are constructed in flood hazard areas. The development review process should require the preparation of a stormwater management plan for major development to mitigate the impacts of stormwater runoff in rock ridge areas.

Forest Cover - Development in forested areas should be carried out in a manner that results in the least disturbance possible by means of low densities, minimal clearing, promotion of stewardship and site-specific environmental impact statements. The Land Use Plan should adopt management policies and design criteria to ensure sensitive habitat areas within the forests are protected. The environmental impact statements could identify sensitive features and recommend mitigation measures to protect sensitive features within the forests.

Ground Cover - The Land Use Plan should adopt management policies and specific design criteria, to ensure sensitive ground cover is protected. Environmental impact statements should identify

sensitive features and recommend mitigation measures to protect sensitive ground cover, before development proceeds.

Wildlife and Habitat - Public education and efforts such as road signage are recommended to reduce road kill. The Land Use Plan should adopt management policies and design criteria to ensure the protection of wildlife habitat. The environmental impact statements could identify sensitive features and recommend mitigation measures to protect wildlife habitat, before development proceeds.

Special Features - Development in the areas of special features can be managed through site-specific environmental impact statements. The Land Use Plan should continue to prohibit the construction of buildings and structures in wetland areas, and should adopt management policies and design criteria to ensure the protection of sensitive features. As well, development adjacent to wetland areas should have a minimum 30 metre buffer. The environmental impact statements should identify sensitive features and recommend mitigation measures, prior to development, and may recommend increased setbacks from wetlands.

Ecosystem Representation - Land Use Plan should adopt management policies and design criteria to ensure the protection of wildlife habitat. As well, localized adjustments to the zoning should be considered to reduce potential impacts. This includes, for example, inclusion of additional Green Belt or Open Space areas between small wetlands. The environmental impact statements should identify sensitive features and recommend mitigation measures to protect wildlife habitat, before development proceeds. The Stewardship Council will provide an opportunity for discussion of ecosystem representation.

Aquatic Environment

Shoreline Characteristics - The Land Use Plan should adopt management policies and design criteria to ensure the protection of shoreline characteristics. As well localized adjustments to the zoning should be considered to reduce potential impacts such as including provisions for:

i. Septic systems setbacks of a minimum of 30 meters from the high water mark (consistent with the Official Plan of the District Municipality of Muskoka).
ii. Increased attenuation of treated septic effluent in an environment characterized by thin soils.
iii. Management policies for the naturalization of vegetation (where it exists) between houses and shoreline to increase the attenuation of storm water runoff.
iv. At a minimum all buildings and structures (excluding docks and boathouses) should be setback 20 metres from the shoreline and where minimum soil and vegetation exist the shoreline set back should be increased to 30 meters from shorelines. The increased distance will allow a waterfront view but will provide for increased attenuation of storm water runoff from lawns or driveways.

The environmental impact statements should identify sensitive areas and recommend mitigation measures to protect shoreline characteristics, before development proceeds.

Water Level Fluctuations -The Land Use Plan should adopt management policies and design criteria to ensure the protection of existing water levels on inland lakes and wetlands. Environmental impact statements should identify sensitive features and recommend mitigation measures to protect wildlife

habitat, before development proceeds. Appropriate requirements for wastewater treatment should be adopted.

Fish Species and Habitat - Fish management activities of the Ministry of Natural Resources and the Department of Fisheries and Oceans Canada are sufficient to mitigate any threats to the fish from harvest or habitat alteration, and their standards should be applied.

Water Quality - Any communal servicing scheme should include monitoring of influent and effluent volumes and quality to ensure that effluent meets appropriate requirements for effluent discharge.

Land Use

Public Recreational Uses - The Land Use Plan should restrict recreational activities in environmentally sensitive areas through the limitation of permitted uses. The O'Donnell Point Park Management Plan should provide policies to discourage recreational use, and limit it to low-impact recreational activities.

Commercial recreational use - The Land Use Plan should provide appropriate management policies for the development of commercial properties (e.g. marina and resort) to ensure that the integrity of the natural areas and features in the area are maintained. The intent of the environmental impact statement is to identify the location of all environmentally sensitive species and recommend appropriate mitigation measures to ensure their protection. The O'Donnell Point Park Management Plan should continue to prohibit commercial recreational uses within the park boundary.

Transportation - Local roads and dockage facilities associated with future residential and commercial development should be restricted to areas that are not environmentally sensitive and not visually intrusive. Prior to large scale commercial uses being approved, boat and car traffic studies should be conducted showing how roads and watercourses may be affected.

Water Consumption & Wastewater - Indian and Northern Affairs Canada and Moose Deer Point First Nation should consider assigning highest priority to capital spending on servicing infrastructure, especially water treatment and supply. Servicing studies should be conducted to indicate how water and wastewater servicing will be provided prior to the introduction of any large scale commercial uses being approved on Moose Deer Point Reserve lands.

In order to mitigate the potential effects of malfunctioning septic systems anywhere within the study area, it is recommended that a program of septic system monitoring be initiated to address the viability of all septic systems in the study area in the short term.

Existing Development and Alienated Lands - Direct land access to the Nature Reserve should be discouraged. Recreational use should be discouraged, and limited to low-impact recreational activities.

Stormwater - Stormwater management facilities associated with future residential, commercial and industrial development should be designed and constructed, using best management practices.

Solid Waste - Solid waste facilities such as transfer stations associated with future development should be developed using best management practices. Increased number of locations of transfer stations may be considered and increased opportunities for recycling are recommended.

7.2 Monitoring

In the examination of the social, terrestrial, aquatic, and land use variables in Section 4, a number of suggestions were made for the implementation of monitoring. The suggested monitoring measures are described in this section with respect to the variables that may be affected. Please note, not all the variables identified in Section 4 have recommended monitoring.

Social Environment

Community Sustainability - Monitoring of specific development activities is required during and following construction to ensure the protection of natural environments. Enforcement should be a key element of any monitoring program. Enforcement of contraventions would help to ensure that any adverse impacts from development activities are remedied and would discourage future contraventions.

Job Opportunities - Continue to monitor employment indicators to determine status of on-Reserve employment opportunities.

Scenic Quality - Ontario Parks, Stewardship Council and members of the community should monitor shoreline areas to ensure protection of scenic qualities.

Cultural and Heritage Features - Monitor development activities to ensure the protection of cultural and heritage features

Terrestrial Environment

Topography and Landforms - Monitoring of specific development activities is required during and following construction to ensure the protection of sensitive features and areas.

Surface Drainage - Best management practices should include monitoring for all new developments and stormwater management facilities to ensure that they are maintained and operating properly

Erosion and other Hazard Lands - It is recommended that the potential effects of erosion be studied in the development review process.

Forest Cover - Monitoring of construction activity could be achieved through the development review process.

Ground Cover - Monitoring of construction activity could be achieved through the development review process.

Wildlife and Habitat - Monitoring of wildlife habitat can be achieved through development regulation, standards and zoning.

Aquatic Environment

Shoreline Characteristics - Monitoring of specific development activities is required during and following construction to ensure the protection of near-shore areas. Studies on near-shore characteristics should be completed.

Water Level Fluctuations - Monitoring of the water level response to the discharge of treated wastewater effluent should be required, for any alternative involving discharge to inland water bodies.

Fish Species and Habitat - Studies should be considered by MNR's Georgian Bay Management Unit on fish community status and ongoing monitoring of fish population and habitat.

Water Quality - Any servicing scheme should include monitoring of influent and effluent volumes and quality to ensure that effluent meets appropriate requirements for effluent discharge. Ongoing monitoring of the water quality of Twelve Mile Bay and King Bay should be conducted.

Land Use

Public Recreational Use - Continued monitoring by Ontario Parks and the Moose Deer Point community of the Nature Reserve area is required to limit recreational use in inappropriate areas (e.g., camping, boats moored to shoreline, motorized trails).

Water Consumption & Wastewater - The Draft Water Treatment & Distribution Feasibility Study (2002) recommends that if surface water is taken from Twelve Mile Bay at Isaac Bay, then the Bay should be monitored for one full year to confirm its suitability as the best proposed source of raw water intake. Other examples of monitoring may arise from the completed servicing studies and the Canadian Environmental Assessment Act screening. The Stewardship Council could assist in the establishment and ongoing monitoring of septic systems within the study area.

Existing Development and Alienated Lands - Continued surveillance may be required to ensure that on-land access to the Nature Reserve is discouraged

Stormwater - Best management practices should include monitoring for all new developments and stormwater management facilities to ensure that they are maintained and operating properly.

Solid Waste - Best management practices should include monitoring for all solid waste management facilities to ensure that they are maintained and operating properly.

7.3 NFORMATION NEEDS

In the examination of the terrestrial, aquatic, social and land use features, a small number of suggestions were made for additional information. The information needs identified are described in this section.

It may be necessary to compile fisheries information specific to the study area. If a fishery management and monitoring strategy is to be prepared, studies showing the existing fisheries in the study area and projections of stress in the future should be completed.

Baseline water quality data for inland waters and the baseline aquatic community of any affected wetlands could be evaluated in a site-specific environmental impact statement prior to approval of any individual or communal wastewater system being built on an adjacent site.

The development review process will provide the assurance that information will be prepared at that time specific developments are proposed. Further information may be required regarding the location of sensitive areas before site-specific development applications are approved. An alternative to this option is to conduct a comprehensive assessment of the proposed development sites prior to any development application being applied for. While this is not necessary, it would expedite the development approval process by obtaining this information up front, instead of reacting to a development application.

If Moose Deer Point First Nation decides to undertake this option they may consider collecting information on the location of sensitive features within areas to be developed and in near shore littoral zones. This comprehensive study would lessen the need to prepare site-specific environmental impact statements through the development review process. The assessment could identify sensitive areas within the proposed areas to be developed as well as recommend general mitigation measures to avoid negative affects.

Source: *Final Environmental Study Report* – French Planning Services Inc., Amos Environment + Planning, Gartner Lee Ltd. (2003) (pages 73-86)